



Planning Commission

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Manager, Michael Turisk at 520.432.9240. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

COMMUNITY DEVELOPMENT DEPT. HOURS OF OPERATION

Monday through Friday

7:30 a.m. to 5:00 p.m.

Phone: 520.432.9240

Fax: 520.432.9278



Cochise County Planning Commission

Cochise County Complex
Board of Supervisors' Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

Regular Meeting
October 9, 2013
4:00 p.m.

AGENDA

1. **3:30 P.M. - Service Appreciation Ceremony for Outgoing Chairman Lynch – NO BUSINESS TO BE TRANSACTED

2. 4:00 P.M. - CALL TO ORDER FOR REGULAR COMMISSION MEETING

3. ROLL CALL (Introduce Commission members and explain quorum and requirements for taking legal action).

4. APPROVAL OF PREVIOUS MONTH'S MINUTES

5. NEW BUSINESS

Item 1 – Election of Chair and Vice-Chair

Item 2 - (Page 1) Introduce docket and notify the public who the Applicants are.

NOT A PUBLIC HEARING -- Docket S-08-02 (Red Hawk III, Unit IV Tentative Plat): A request to extend the Tentative Plat for the Red Hawk III, Unit IV subdivision located south of I-10 in the J-6 Ranch area.

Item 3 - (Page 5) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING -- Docket SU-13-16 (Stonebraker): A Special Use request to construct a 1,200-foot by 48-foot private airstrip. The subject parcel is located at 729 E. Stonebraker Road, south of Tombstone. The Applicant is Mark Stonebraker.

Item 4 - (Page 35) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING -- Docket SU-13-17 (Salem): A Special Use request to use an existing single-family dwelling for a short-term rental. The proposal requires a change of land use to Guest Lodging. The subject parcel is located at 10323 E. Rock Creek Lane in Pearce. The Applicant is Suzanne Salem.

Item 5 - (Page 57) Introduce docket and notify the public who the Applicants are.

PUBLIC HEARING -- Docket Z-13-04 (Waste Mgmt. of Arizona, Inc.): A rezoning request from GB (General Business) to LI (Light Industry) for the parcel located at 2183 N. Coyote Place in Whetstone to facilitate a solid waste transfer station land use. The site is currently being used by the Applicant as a vehicle and container storage yard with an administrative office. The Applicant is Waste Management of Arizona, Inc., Ms. Nicole Bisacchi, Agent for Applicant.

5. **WORK SESSION:** A discussion on general questions about the Cochise County Zoning Regulations.
6. **CALL TO THE PUBLIC** - Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on *any issue within the Commission's jurisdiction*. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS**
9. **ADJOURNMENT**

COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
Wednesday, September 11, 2013
REGULAR MEETING at 4:00 p.m.

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chairman Lynch at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Chairman Lynch admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there were four Special Use requests and a Regulation docket on the Agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Chairman Lynch noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Tim Cervantes, Jim Lynch, Carmen Miller, Ron Bemis, Liza Weissler, Pat Edie, Gary Brauchla, and Joe Garcia) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Michael Turisk, Planning Manager; Keith Dennis, Planner II; Peter Gardner, Planner I; Rick Corley, Zoning Administrator and Britt Hanson, Chief Civil Deputy County Attorney. Chairman Lynch noted that the Commission had received a great deal of correspondence shortly before the meeting and implored the public to not wait until the last minute to submit comments to ensure that the comments were given full consideration by the Commission.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the August 14, 2013 meeting with one typographical correction.

Action: Approve **Moved by:** Mr. Bemis, **Seconded by:** Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 3)

Yes: Chairman Lynch, Mr. Cervantes, Mr. Bemis, Ms. Miller, Ms. Weissler

No: 0

Abstain: Mr. Brauchla, Ms. Edie, Mr. Garcia

OLD BUSINESS

Item 1

PUBLIC HEARING -- Docket R-13-01 (Cochise County Planning and Zoning Commission): A proposed revision of the 2008 version of the County Zoning Regulations. The revision is intended to simplify and clarify to provide a better understanding of the regulations; to provide more flexibility in the administration of the regulations; and to bring the regulations into conformance with the County Comprehensive Plan and Arizona Revised Statutes.

Chairman Lynch asked for a motion to remove the item from the Table for discussion. Mr. Bemis made a motion to remove the item from the table and Ms. Weissler seconded. Mr. Lynch called for a vote and the motion to remove the item from the Table passed unanimously (8-0). Chairman Lynch stated that at the previous meeting the Commission had entered into an "uncontrolled discussion about this docket," that was centered on issues other than the proposed changes. He stated that he felt that the discussion should focus on the proposed changes and noted that he had requested Commissioners to submit questions to Staff in writing. Mr. Lynch stated that one Commissioner had submitted questions, and that many of the questions were not germane to the proposed changes. He suggested convening a Work Session to discuss further changes to the regulations. Ms. Weissler asked if such a Work Session would preclude the Commission from discussing or advancing the current docket. Mr. Lynch stated that the Work Session would not impact the current docket. Mr. Lynch requested Staff to schedule a Work Session to address further proposed changes to the Zoning Regulations. Ms. Wilson asked the Chair if Staff could present additional proposed changes at the Work Session. Mr. Lynch answered that it would be appropriate and noted that the water issues were still pending reintroduction to the Commission. He then asked for a motion to open discussion. Ms. Weissler made a motion to forward the docket to the Board of Supervisors with a recommendation of Approval. Mr. Brauchla seconded the motion and Mr. Lynch called for discussion. Ms. Miller asked that if by moving the docket forward it constituted moving the docket forward without "thought-out changes," and suggested waiting until after a full review and discussion of the regulations. Mr. Lynch stated that he felt that the work session would permit readdressing the questions regarding the current docket, but that a full review of the regulations would take up a great deal of Staff time that had not been budgeted by the Board of Supervisors. He explained that Staff had used a great deal of time answering Commissioners' questions and that the Board may not approve of more Staff time on the issue and stated that a line-by-line review should not be conducted without the Board approving the Staff time. Mr. Lynch told Ms. Miller that the typographical changes noted in her questions would be addressed by Staff and explained that the other issues were not appropriate for discussion as they had not been advertised as such. Ms. Edie stated that she felt the advertisements covered the entire document and noted that each review led her to more questions about the regulations in general. She also stated that she felt that if the Commission passed the docket to the Board of Supervisors without a line-by-line review that it would be a mistake. Ms. Weissler stated that the Commission had been working for eight months on the docket and that the process had not been rushed. She also noted that the Commission had received direction to review the proposed changes, which are primarily grammatical and typographical. She stated that she felt that any change she would consider useful had already been "gutted" and everything that remained was very minor and had been "agonized over enough." Ms. Weissler stated that she felt it was "unacceptable" for the Commission to "keep finding new things at each meeting to drag it out." Mr. Bemis expressed concern that if the document was forwarded to the Board of Supervisors that the Board be made aware of the pending work session so that the Commission would not "mislead the Board into thinking that we are finished." He also asked if it was appropriate to attach Ms. Miller's questions to the document when it was forwarded to the Board. Mr. Lynch noted that Ms. Miller's letter and other correspondence from citizens would be attached to the minutes. Ms. Miller recognized the amount of time and effort that Staff had expended on the docket, and responded to a comment from the previous meeting regarding "we would not be doing our job if

we did not push this through” and took exception by stating that “careful consideration” was the job of the Commission and stated that she felt the Commission has not yet finished considering the docket. Mr. Lynch noted that Ms. Miller was free to speak to the Board about her concerns and that the work sessions would allow further consideration. He also noted that there had been a number of changes in state law since the last update of the regulations that were being incorporated into the proposed changes. Ms. Weissler then identified herself as the one who had made the comment that Ms. Miller was referring to and stated that she felt that the Commission had made zero progress on the docket in eight months and that this was a failure of the Commissioners in their duty. She clarified that she did not state that the docket had to go forward, but had to be voted upon.

Mr. Lynch opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of or in opposition to the docket. There were no written requests to speak, but a member of the public asked to speak.

Mr. Mike Jackson of McNeal reminded the Commission of Mr. Martzke’s concern regarding removing specific references to State law with generic references and noted that Mr. Martzke wanted that change discussed. There being no other speakers, Mr. Lynch closed the Public Hearing.

Mr. Hanson explained the rationale for removing specific statute numbers in favor of general notes. He explained that statute numbers change and that general references were less misleading than incorrect references due to renumbering.

Mr. Bemis stated that he felt the Commission had been doing a great deal of work on the docket, and understood the drive to move the docket forward. Mr. Lynch called for a vote. The motion passed 5-3.

Motion: Motioned to remove the item from the Table for action.

Action: Remove from Table **Moved by:** Mr. Bemis **Seconded by:** Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

Yes: Chairman Lynch, Mr. Cervantes, Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Brauchla, and Mr. Garcia.

No: 0

Abstain: 0

Motion: Motioned to forward to the Board of Supervisors with a recommendation of Approval.

Action: Recommend Approval **Moved by:** Ms. Weissler **Seconded by:** Mr. Brauchla

Vote: Motion passed (**Summary:** Yes = 5, No = 3, Abstain = 0)

Yes: Chairman Lynch, Mr. Cervantes, Ms. Weissler, Mr. Brauchla, and Mr. Garcia.

No: Mr. Bemis, Ms. Edie, and Ms. Miller

Abstain: 0

NEW BUSINESS

Item 1

PUBLIC HEARING -- Docket SU-11-06A (The Health Center of Cochise, Inc.): A request for a Modification of a 2011 Special Use Permit approved for a Health Clinic and state-licensed Medical Marijuana Dispensary and Cultivation Facility to allow for a larger Cultivation Facility and to add a Medical Marijuana Infusion Facility. The subject parcel is located at 1825 W. Dagoon Road in Cochise. The Applicant is Ms. Catherine R. Mead for The Health Center of Cochise, Inc.

Chairman Lynch called for the Planning Director's report. Planning Manager, Michael Turisk presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Turisk explained that the request was to expand an existing cultivation area and permit an infusion facility at an existing, permitted Medical Marijuana Dispensary. He also explained the correspondence that Staff had received regarding the proposal including the nature of citizen support and opposition. Mr. Turisk explained that Staff considered the request an acceptable expansion of an existing use. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Bemis asked if there were legal requirements from the State or County regarding lighting for the use. Mr. Turisk explained that the State has security lighting requirements, but noted that he was unable to speak to the specifics and deferred to the Applicant.

Mr. Lynch invited the Applicant to make a statement. Ms. Catherine Mead spoke, explaining the location of the property and the nature of the request. She noted that she lived adjacent to the existing facility. She addressed neighbors' concerns regarding the lighting and expressed a desire to satisfy the neighbors. She explained her efforts with her electrician to minimize light pollution. Ms. Mead explained the balance between security and aesthetics regarding the lights. Mr. Lynch asked about the lighting requirements. Ms. Mead stated that the existing lighting was based on County standards.

Mr. Lynch opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of the project.

Judith Mace of Cochise spoke regarding the existing operation. She praised the facilities' compassion and efforts towards education. She explained the benefits to clients from the proposed expansion.

Delores Williamson of Cochise spoke in favor, and explained that she lived adjacent to the facility and explained that she had no concerns regarding the existing or proposed lighting.

Marcus Hinton of Willcox expressed support for the facility and encouraged the expansion noting that the infusion facility would help clients who preferred not to smoke marijuana.

James Keeler of Sierra Vista expressed support for the expansion on the basis of the infusion facility allowing patients who did not wish to smoke to receive the benefits of marijuana.

Richard Miller of Huachuca City spoke in favor, noting that he deals with dispensaries statewide and felt that the Applicant's facility was one of the best in the state in terms of care and compassion rather than focusing on profit. He noted that he was a cancer survivor and expressed support for marijuana edibles versus smoked marijuana.

Vanessa McIntyre of Willcox supported the proposal, noting that she had received other sorts of assistance from the Applicant's facility and expressed support for the option of non-smoked marijuana.

There being no further speakers in favor, Mr. Lynch called for speakers in opposition to the project.

Alexis Nomides of Cochise stated that she lived adjacent to the facility. She explained that she had no objection to the facility and supported the Applicant's mission. She did express concern regarding light pollution generated by the facility. She asked for conditions to mitigate light trespass. She closed by reiterating that they had no problems with the dispensary and praised the Applicant's work.

Joan Lipsam of Cochise noted that she also lived adjacent to the project site. She also stated that she had no issues with the dispensary itself but expressed concern regarding the lighting. She reiterated the request for light mitigation measures. She also asked about the height of the proposed buildings.

Mr. Lynch then invited a rebuttal from the Applicant. Ms. Mead offered to show photos of the lighting. She then explained that one of the new structures would be the same height as the existing structures, and while the other would be higher, it would be situated outside the sight lines of neighbors. Mr. Bemis asked the Applicant to expound on the light shields mentioned earlier. Ms. Mead provided more information regarding the lights, explaining the shielding on the lights. Mr. Brauchla asked if more lights would be installed. Ms. Mead stated that there would be some new lights, but the site was being designed to minimize the new lights required. She also stated that the new lights would be on the opposite side of the site from the neighbors who expressed concern regarding the lighting. Mr. Garcia asked how long the business had been open. The Applicant provided the opening date and explained how her clientele had mushroomed far beyond her expectations. She detailed the nature of some of her patients. Mr. Bemis asked about the height of the existing lighting and if the new lights could be lower. Ms. Mead expressed a willingness to do so. Mr. Turisk explained the maximum height of the lights. Mr. Bemis asked if shorter lights would meet all requirements. Mr. Turisk stated that he was unaware of any minimum height for the lighting. Mr. Hanson explained that the County had no such requirements. Ms. Mead stated that she was investigating mounting the new lights to the buildings as opposed to using pole-mounted lights. Mr. Turisk explained that the County deferred to the State on security matters. Mr. Brauchla asked for clarification regarding the location of the new lights on the buildings, which Ms. Mead explained by noting that she was minimizing the new pole mounted lights. Mr. Lynch noted that any lights would have to comply with County Light Pollution Code and with State security requirements. He asked Staff to research the security requirements for future dockets.

Mr. Lynch then closed the Public Hearing and asked for discussion from Commissioners. There being none, Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Turisk recommended Conditional Approval and explained the standard Conditions requested by Staff. Mr. Lynch called for a motion. Mr. Bemis made a motion for recommending Approval of the Special Use with the Conditions given by Staff. Ms. Weissler seconded the motion and Mr. Lynch asked for discussion. There being no discussion, Mr. Lynch called for a vote. The motion passed 8-0.

Motion: Motioned to approve the Special Use Modification with Conditions and recommended by Staff.

Action: Approve with Conditions **Moved by:** Mr. Bemis **Seconded by:** Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

Yes: Chairman Lynch, Mr. Cervantes, Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Brauchla, and Mr. Garcia.

No: 0

Abstain: 0

Item 2

PUBLIC HEARING -- Docket SU-13-14 (West Edge): The Applicants intend to operate a state-licensed Medical Marijuana Cultivation and Infusion Facility in the existing 187,944 sq.-ft. Willcox Greenhouse for the purposes of Medical Marijuana Cultivation and Infusion for distribution of Medical Marijuana products to licensed dispensaries statewide. The subject parcel is located at 5900 W. Greenhouse Road in Willcox. The Applicant is Withey Morris PC, Mr. Adam Baugh Esq. for West Edge, LLC.

Chairman Lynch called for the Planning Director's report. Mr. Keith Dennis presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Dennis explained that the request was to allow an existing agriculturally exempt greenhouse to be used as a Medical Marijuana Cultivation and Infusion facility. Mr. Dennis explained the access to the site and that the docket was transmitted to various agencies for comment and how the proposed use would not fall under the State's agricultural exemption and would require all site development standards to be complied with. He also explained the correspondence that Staff had received regarding the proposal. Mr. Dennis also explained the public response to the Special Use request. He closed by listing factors in favor of and against approval and invited questions from the Commission. Mr. Lynch thanked Staff for their efforts in attempting to accommodate late input from the public and invited questions for Staff.

Mr. Bemis asked if the State or County had any regulations regarding the maximum volume that a Marijuana Cultivation Facility could produce. Mr. Dennis noted that no such limitation existed under State or County regulations, though some other local jurisdictions had imposed such limits. Mr. Bemis also asked regarding interstate transportation of Medical Marijuana. Mr. Hanson explained that federal law prohibited such interstate transportation and that other states still prohibited marijuana in general. Mr. Bemis asked about transporting through other states that did not permit medical marijuana. Mr. Hanson reiterated that anything outside Arizona fell

under those out-of-state local laws. Mr. Brauchla asked if the State had already permitted the facility. Mr. Dennis explained that a requirement for the State license was local zoning approval.

Mr. Lynch invited the Applicant to make a statement. Mr. Adam Baugh spoke, explaining the location of the site and the nature of the request. He explained the existing use and how the proposed use would change the conditions on the site. He noted that the proposed site was located in an existing agricultural area and the proposal did not change this. He also explained that the site met all the site development requirements under the zoning regulations. Mr. Baugh noted that the Applicant had met individually with each of the citizens on the notification list and had met with no opposition. He noted that there was no legal cap on the output of the facility, but the facility would be demand driven and that the Applicant planned to supply several dispensaries. Mr. Baugh also clarified the ban on interstate transfer and explained the requirements on transferring the marijuana. He also explained the process of acquiring the State license as it applies to the County's requirements. He closed by inviting questions from the Commission.

Mr. Lynch asked about lighting requirements. Mr. Baugh explained that the State deferred to the local jurisdictions on the specifics of lighting.

Mr. Lynch opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of or in opposition to the project.

Ralph Thompson of Willcox noted that he lived near the facility and that he had no opposition to the project. He stated that he felt it would create jobs for the County.

James Martin of Willcox explained his background in the greenhouse industry in Cochise County. He explained the economic factors driving the change in crops from tomatoes to marijuana. He stated that he supported the project and hoped it would create jobs.

Julia Patten of Douglas and Maricopa County noted that she had applied twice for similar permits. She asked if the facility was affiliated with a dispensary and if federal monies were involved in the facility. She expressed a desire to receive similar approval from the Commission.

Bill Brothers of Scottsdale introduced himself as the president of a consulting group that analyzes medical marijuana use in Arizona. He urged the Commission to limit the maximum amount of cultivation. He went into detail regarding the ability of a dispensary to cultivate marijuana and questioned the need for a dispensary. Mr. Brothers claimed that the Applicant on the previous docket stated that she had "39 patients in her district and over 600 people visiting her dispensary." He questioned "how does that add up" and implied that the previous Applicant was selling illegally. He stated that if approved it would be the largest dispensary in the State and asked what dispensary the facility was affiliated with. Mr. Brothers stated that the facility would grow more than the entire State would need and implied that the Applicant would sell the surplus illegally, noting that the product could not be legally transported across state lines. He spoke about the illegal drug trade and the value of the product being grown in the greenhouse.

Jacqueline Latham of Saint David spoke against marijuana in general and professed worry about children and pushing. Mr. Lynch interrupted to ask if Ms. Latham would address this facility. Ms. Latham relied that she would and spoke about an experience with an "ex-con" whom she claimed bragged about selling marijuana to children.

Mr. Lynch invited the Applicant to rebut. Mr. Baugh expressed appreciation for the concerns of neighbors, and then asked why an individual from Scottsdale would have an interest in this docket. He also noted that the neighbors had not expressed any concern regarding the project. He emphasized that the Applicant would be required to comply with all State laws. Mr. Baugh addressed the concerns regarding the number of patients, noting that the facility would produce according to demand from one or more dispensaries. He noted that there was no requirement to combine cultivation and dispensary facilities. Mr. Baugh claimed that Mr. Brothers had approached the landowner to purchase the facility for the same purpose and was unable to come to an agreement. He recognized the stigma attached to marijuana and expounded on the County and State regulations and noted that they were more stringent than any other state. He also reiterated that Arizona did not cap the volume of cultivation and left it to the market to drive. He rebutted Mr. Brothers' claims that the facility would grow more than the entire State would use, claiming that the facility would produce roughly five percent of the current demand. Mr. Baugh reiterated that none of the speakers in opposition were directly impacted by the request. Mr. Lynch asked about the Applicant's status. Mr. Selvey of West Edge spoke, explaining where the corporation was incorporated and who the representative was. Mr. Lynch asked if the company was privately held, and Mr. Selvey confirmed that it was. Audience members interjected with questions, which Mr. Lynch rejected as out of order. Mr. Brothers asked to rebut the Applicant on the basis that the Applicant had been permitted to rebut. Mr. Lynch denied the request as out of order.

Mr. Lynch then closed the Public Hearing and then called for the Planning Director's summary and recommendation. Mr. Dennis summed-up the analysis and recommended Conditional Approval and explained the Conditions requested by Staff. Mr. Bemis noted that the issue at hand was complex, and noted that the Commission's purview was limited to the land use issues and stated that he felt the project complied with planning and zoning regulations as any other agricultural use. He stated that he felt that the issues of quantity and end use were not within the scope of the Commission's mission. Ms. Weissler also stated that she felt that the request complied with all land use factors and expressed support for the request. Mr. Lynch expressed mixed feelings, wondered about the investment involved, and wondered if the request was based on speculation that marijuana would be decriminalized. He also expressed concern that the scope of the request mandated input from the Board of Supervisors and expressed doubts. He closed by indicating that he would vote against it under the rationale that the docket would be appealed to the Board of Supervisors for their consideration. Mr. Cervantes also expressed concern regarding the scale of the request and worried about the Applicant's ability to secure the product on this scale. Mr. Garcia stated that he was concerned about the amount being cultivated and the location, stating that he felt the remoteness could lead to misuse. He stated he would vote against the proposal. Mr. Hanson interjected to verify that the regulations did not place a size cap, but that the Commission did have the authority to place a Condition limiting the size due to the land use impacts. Mr. Bemis asked how the Commission would determine a cap and expressed an understanding for Mr. Lynch's suggestion to send the request to the Board.

Ms. Weissler stated that she felt the actual production would be governed by the legal market. Mr. Lynch stated that he felt the Commission must operate under the assumption that the business would be conducted legally. Mr. Brauchla noted that the State permitted legal medical marijuana and reminded the Commission to focus on the land use issues. He also supported the belief that the market would drive the amount of product grown and suggested that the Commission not drive the amount produced. Mr. Bemis noted that the State did not permit medical marijuana to be exempt as agriculture and expressed a belief that the Applicant would respond to the market. Ms. Weissler reiterated that the issue before the Commission was if the land use was permissible and stated that she feels it is. Mr. Lynch called for a motion. He clarified that a motion could limit the scale of the project. Ms. Weissler made a motion for recommending Approval of the Special Use with the Conditions given by Staff. Mr. Bemis seconded the motion and Mr. Lynch called for a vote. The motion passed 5-3, with Mr. Lynch, Mr. Cervantes, and Mr. Garcia opposed.

Motion: Motioned to approve the Special Use request with Conditions recommended by Staff.

Action: Approve with Conditions **Moved by:** Ms. Weissler **Seconded by:** Mr. Bemis

Vote: Motion passed (**Summary:** Yes = 5, No = 3, Abstain = 0)

Yes: Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, and Mr. Brauchla.

No: Chairman Lynch, Mr. Cervantes, and Mr. Garcia

Abstain: 0

Item 3

PUBLIC HEARING -- Docket SU-13-13 (AIRES, LLC): The Applicant seeks to legitimize an existing Day Care Establishment operating within an existing 3,300-sq.-ft. home. The facility includes provisions for up to 20 adults and up to 15 children and as many as 15 employees. The subject parcel is located at 4100 S. Ranch Road in Sierra Vista. The Applicant is Ms. Diane Logan for Aires, LLC.

Chairman Lynch called for the Planning Director's report. Mr. Keith Dennis presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Dennis explained that the request was to allow existing structures to be used as a day care facility for developmentally disabled persons. He went into the background of the structures on site and noted that all construction occurred under a previous owner. Mr. Dennis explained the access to the site and that the docket was transmitted to various agencies for comment. He also explained the correspondence that Staff had received regarding the proposal. He explained requirements stemming from building and fire codes. Mr. Dennis also explained the Modifications requested by the Applicants, as well as the public response to the Special Use request. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler asked about State certification, wanting clarification that the certification was a general certification rather than a certification specifically for this site. Mr. Dennis explained the blanket certification and how it applied to the site in question. Mr. Dennis deferred further explanation to the Applicant. Mr. Bemis asked if denial would result in the facility shutting down or would it force compliance with fire code.

Mr. Dennis noted that the facility was currently in violation for operating without a permit, but the violation was on hold pending the outcome of the Special Use and Commercial Permitting. Mr. Bemis asked what the timeframe for compliance was if the docket was approved. Mr. Dennis explained that Staff had recommended shortening the usual deadlines, granting 30 days for permit submittal and 90 days for permit issuance. He also noted that once the permit was issued, the timeframes were less specific, and added that the Applicant understood the sense of urgency.

Mr. Lynch invited the Applicant to make a statement. Ms. Diane Logan spoke, explaining the location of the property and the nature of the request. She apologized for "not realizing what the requirements were from the County." She stated that they had received all required State certifications and had been inspected by the State in January. Ms. Logan detailed the background of AIRES, noting that they had been in operation throughout Arizona since 1978, and stating that they support roughly 500 people statewide and have roughly 700 employees. She noted that AIRES had been operating in the Sierra Vista area since 1983, serving almost 100 people primarily as group homes rather than day care provided by this facility. She explained the project and existing structures and how they would be used. She noted that there were 127 employees in Sierra Vista and explained how much they paid in wages and spent in the local community. Ms. Logan further explained how AIRES came to purchase the site, explaining that they had taken over the program from the City of Sierra Vista and purchased the site in question. She explained that the site allowed them to separate adults and children as required by law. She stated again that she "thought she was doing everything correctly" and noted that "this was all new to me, and I am really good at providing services to people with disabilities." Ms. Logan explained the dates and times that the facility operated which was based upon the desires of the parents of the clients. She acknowledged the Fry Fire Marshall's concerns and explained their safety procedures. She also noted that the process of getting bids for the required upgrades was underway. She closed by apologizing for not knowing the process and invited questions from the Commission.

Ms. Weissler asked for clarification regarding the Life-Safety Inspection in January, wondering how it was passed with all the code violations. Ms. Logan stated that the facility met all the requirements of the inspection. She stated that she "met all the requirements I knew of." Ms. Weissler then noted that AIRES began operating business but did not apply for the Special Use Permit until they were cited for operating without a permit. Ms. Logan reiterated that she was unaware of the requirement for a permit. Ms. Weissler asked Ms. Logan if she was involved with starting any other facilities in AIRES' other service areas. Ms. Logan stated that she had never relocated a day program into a facility like this and stated that she dealt primarily with group homes as opposed to day care facilities and that this was new to her. Ms. Weissler stated that she found "it rather astounding" that a business of this scope would start up without being aware that there were permitting requirements and being sure they were legal. Ms. Logan again stated that she believed that by going through the State process she was legal and apologized again. Mr. Lynch agreed with Ms. Weissler, emphasizing that a "large corporation would enter into business with children with fundamental fire and sewer issues is incomprehensible to me".

Mr. Lynch opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of or in opposition to the project.

Jacqueline Latham of Saint David spoke in support of the docket. She stated that she had a hobby of studying the Constitution and claimed that people had under the First Amendment a “right to work, and life, liberty and the pursuit of happiness.” She stated she did not understand why anyone needed a license to work, claiming there was no authority to do so under the Constitution, and called it “repugnant to the Constitution.” Mr. Lynch interrupted to ask if she was going to speak about the docket at hand. Ms. Latham stated that this regarded the docket and asked “Why are we making this woman go through so much to go to work? Why don’t we have everyone go on welfare?” She stated she felt it was between her and the clients to decide if the facility was unsafe. She referenced the previous docket and stated she “was tired to see her tax dollars going to welfare recipients.”

Howard Meyers of Sierra Vista spoke in opposition to the project. He stated that he was unaware of the project for several months and noted that the facility had not gotten permits. He disputed the size of the home, stating that he had been in home under the previous owner. He questioned the number of people in the home and asked how the bathroom and kitchen accommodated people. Mr. Meyers also questioned how waste was being disposed of and asked if there was a full-time nurse on site. He also disputed the Applicant’s characterization of the clientele as kids. He stated he felt the Applicant was trying to “take a cheap place and put a lot of people in there and make as much money as she possibly can.” He noted “How do I know that it’s not little children there? Because I almost shot one of them.” Mr. Meyers explained that one of the clients had left the facility and wandered onto his property and scared his wife by trying to enter the house. He stated that he had confronted the individual with a pistol, noting that the man had an item in his hand. He explained that he discovered it was a client of AIRES, approximately 20 years old, and carrying an eyeglasses case. Mr. Meyers stated that he then called the police who discovered that AIRES was unaware that the young man was gone. He questioned the staff of the facility and stated again that he felt the operation was just trying to make money. He also stated that someone had come to his house to discuss the facility. Mr. Meyers stated that he asked if the facility had any “violent, mentally ill people there”, and stated that he was told that was the case, and that there were two employees for each client. He noted that a client had already left without staff knowing, and expressed concern regarding future incidents. Mr. Meyers also questioned placing the facility in a location with poor ambulance coverage. He stated that he felt the Applicant had chosen this site over a commercial building in town entirely as a cost saving measure.

Steven Nanatovich of Sierra Vista spoke in opposition. He noted that despite the violations the facility was in operation that day. He stated that he felt the facility was located in a residential area as opposed to “out in the sticks” and that the homes were fairly close together. He commended the organization for their mission, but stated that he felt that the home and area were not safe for disabled individuals. He expressed concern about who was living there, and stated he was nervous regarding the individuals as there was no fencing on the property. Mr. Nanatovich stated that the site no longer looked like a home with the addition of parking lots, lighting, and wire. He noted a major increase in traffic and expressed concern about the rough roads and transporting buses of children down them. He also expressed concern about buses speeding. He stated that he had received a letter from the Applicant and expressed concern about seeing a parking lot for 50 people in his neighborhood.

Damon and Marlene Everist of Sierra Vista spoke in opposition, adding support to prior concerns. They were uncomfortable that the business was established without correct permits and licenses. He stated that "The gal stated they had been in business for 20 years in Cochise County. You can't tell me that they had no inclination what was necessary to open the business after 20 years." He stated that this failure destroyed any trust they had in the Applicant. Mr. Everist also expressed concern about property values, claiming that the facility would limit potential buyers for their own property. He also expressed concern about the road and stated that there was already directional wear from six-months of use at this facility. He also stated that the vehicles speed and generate excess noise and dust. Mr. Everist also stated that he felt the septic system would not support the facility and was worried that the system had already failed. He asked the Commission to shut down the facility today and then require the Applicant to proceed with proper permitting. He also complained about "distressful noises" coming from the facility. He again commended the organization for their mission, but worried about the noise and expressed disruption of his lifestyle. Mr. Everist also asked about expansion and worried that the site would grow. He closed by expressing a lack of trust in the Applicant to follow Conditions if "after 20 years of business they're not able to follow protocol set up right now." He noted that none of the governing agencies seemed to be on the same page. He asked if the facility would be allowed to continue to operate or would they be shut down.

Raymond Nanatovich of Sierra Vista spoke in opposition. He supported the previous speakers in opposition and expressed concern for the disregard for process by operating prior to applying for permits.

Jim Bryant of Sierra Vista spoke in opposition. He noted that he lived across the street from the facility and had moved there for the peace and quiet. He stated that the additional traffic had required the homeowners to perform several times more maintenance than normal on the non-County maintained roadway. He also expressed concern for the noise coming from the facility, stating that when the facility opened he compared the noise to "a petting zoo" or "parrots." He stated that until he received the letter from the Applicant he believed that it was a homeowner with an aviary. He stated that it made the neighborhood uncomfortable. Mr. Bryant also stated that he had been inside the home under the previous Applicant and questioned how 50 people would fit in the home. He expressed disbelief that the facility was operating without permits.

Mr. Lynch invited the Applicant to rebut the speakers in opposition. Ms. Logan expressed appreciation for the neighbors' concern. She stated that she hoped that her staff had invited the neighbors over to see the program. She noted that there was an incident where a client had left the property after "getting away from staff supervision." She stated that they had filed the appropriate reports with the State and that changes had been made to prevent a recurrence. She defended the square footage quoted as being from public records. Ms. Logan stated that she could not speak for the Fire Marshall, but claimed that he was satisfied with the space. She explained that the individuals served had developmental disabilities and clarified what that meant, stating that they did not have folks who were extremely violent or aggressive, but conceded that there was some aggression and violence, comparing it to small children. She stated she would be happy to have anyone come in and view the program, and that she felt there was a misimpression of what they were doing. She took personal accountability for not getting

the permit, stating again that she had gotten the permits from the State. She explained that she had read Arizona Revised Statutes regarding group homes in a residential area, and admitted that she did not understand that there was a difference between group homes and day care facilities. Ms. Logan stated again that she thought she had done what she had to do and had not intentionally violated the regulations. She emphasized that her focus was on the kids and adults with disabilities within the community. She stated that they felt that the site was a great setting for the facility and expressed support for the program. She asked the Commission to approve the project, but if they did not, asked to not have to stop providing services and asked for time to relocate.

A member of the public asked to speak again, but was ruled out of order by Mr. Lynch. There being no further speakers, Mr. Lynch closed the public hearing and asked for Commission Discussion.

Mr. Bemis expressed issues with fire safety and the "backdoor" permitting, stating a major corporation should know better. He stated he did not have the knowledge to judge the square footage, but was concerned about the possibility of overcrowding. He also expressed empathy for the neighbors and stated he would vote against the project. Ms. Weissler also expressed concern for an Applicant "asking for forgiveness rather than permission." She stated that in some such cases it was understandable to some extent, but could not see it in this case. She also stated that she was "feeling manipulated because of the nature of the business and the vulnerability of the persons involved." Ms. Weissler stated that while Ms. Logan may not have known, she was surprised that the company did not know and did not question Ms. Logan in regards to permitting. She closed by stating that the request was too egregious for her to support. Mr. Cervantes concurred that the vulnerability of the clients and the safety issues made it difficult for him to support the docket. Ms. Edie asked Staff if there was a size limit to the facility. Mr. Dennis explained that the regulations did not have a size limit on the proposed use, but that the Commission could impose a limit. Mr. Cervantes asked about the timeframe for correcting the shortcomings if the Commission were to approve the docket. Mr. Dennis explained the timeframe for permit application and issuance recommended by Staff. Mr. Cervantes asked if the business would continue to operate during this process. Mr. Dennis explained that the Commission could impose Conditions. Ms. Weissler clarified that the docket was only in front of the Commission because the Applicant had been cited and may not have otherwise come forward, and Mr. Dennis concurred. Ms. Miller wondered if there were other mitigating factors that the Commission may consider to ease neighbors' concerns with Conditions. Mr. Dennis reiterated that the Commission could impose Conditions as it saw fit. Mr. Lynch asked Ms. Miller for specific Conditions she would recommend. No specific Conditions were suggested by the Commission. Mr. Bemis expressed appreciation for Ms. Miller's suggestion, but expressed a desire for the Applicant to reapply and propose the mitigation measures themselves, and suggested issuing a violation noting again that a major corporation should be aware of the required paperwork before opening a business. He also stated that he felt the neighbors had a right to look at the project prior to opening rather than having to fix it after the fact. Mr. Brauchla asked how long the Applicant would have to comply with the terms of a Commercial Permit. Staff explained how long the permit was valid and how long it could take for the Certificate of Occupancy to be issued, noting that the process could possibly be drawn out for three years.

Mr. Garcia asked if Staff would inspect the site prior to issuing the permit. Mr. Dennis explained that inspections would occur after permit issuance and work was completed. He explained that the Fire Marshall had been out already and explained how the building code requirements were determined.

Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Dennis recommended Conditional Approval and explained the Conditions and Modification requested by Staff. Mr. Lynch called for a motion. Mr. Bemis made a motion for recommending Approval of the Special Use with the Conditions and Modification given by Staff. Ms. Weissler seconded the motion and Mr. Lynch asked for discussion or Conditions to be added. Ms. Miller asked about the result of a denial. Mr. Dennis explained the project would return to the violation process, and Mr. Lynch noted that an appeal could be filed. Ms. Miller suggested that the Applicant could meet with neighbors prior to appeal to create Conditions that would remove the neighbors' objections. Mr. Lynch called for a vote. The motion failed 0-8.

Motion: Motioned to approve the Special Use request with Conditions and Modification recommended by Staff.

Action: Approve with Conditions and Modification **Moved by:** Mr. Bemis **Seconded by:** Ms. Weissler

Vote: Motion failed (**Summary:** Yes = 0, No = 8, Abstain = 0)

Yes: 0.

No: Chairman Lynch, Mr. Cervantes, Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Brauchla, and Mr. Garcia.

Abstain: 0

Item 4

PUBLIC HEARING -- Docket SU-13-15 (Ramirez): A Special Use request to use an existing 1,603 sq.-ft. manufactured home with addition for a Day Care Establishment. The subject parcel is located at 37 N. McRae Lane in Saint David. The Applicant is Ms. Manuela Ramirez.

Chairman Lynch called for the Planning Director's report. Mr. Peter Gardner presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner explained that the request was to allow existing structures to be used as a day care facility. He explained that the Applicant was currently caring for family members, which is exempt from the zoning regulations, and that the request was to allow the Applicant to accept non-family members and receive DES funding. Mr. Gardner explained the access to the site and that the docket was transmitted to various agencies for comment. He also explained the correspondence that Staff had received regarding the proposal. Mr. Gardner also explained the Modification requested by the Applicants, as well as the public response to the Special Use request. He closed by listing factors in favor of and against approval, noting compliance with the Saint David area plan, and invited questions from the Commission.

Mr. Lynch invited the Applicant to make a statement. Ms. Manuela Ramirez spoke to explain the project, noting that there were no day care facilities in the area. She closed by inviting questions from the Commission.

There being no questions, Mr. Lynch opened the Public Hearing and asked if there were any members of the public wishing to speak in favor of or in opposition to the project.

Mary Mortensen of Saint David spoke in support of the project. She expressed personal support for the Applicant, her facility, and how she treats the children she cares for.

Jacqueline Latham of Saint David spoke in support. She expressed appreciation for the Applicant contacting neighbors prior to applying and opening. She concurred that there was no similar business in the area, and asked the Commission to support the request.

There being no further speakers, Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions and Modification requested by Staff. Mr. Lynch called for a motion. Mr. Bemis made a motion for recommending Approval of the Special Use with the Conditions and Modification given by Staff. Ms. Weissler seconded the motion and Mr. Lynch asked for discussion and a vote. The motion passed 8-0.

Motion: Motion to approve the Special Use request with Conditions and Modifications recommended by Staff.

Action: Approve with Conditions and Modifications **Moved by:** Mr. Bemis **Seconded by:** Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

Yes: Chairman Lynch, Mr. Cervantes, Ms. Miller, Mr. Bemis, Ms. Weissler, Ms. Edie, Mr. Brauchla, and Mr. Garcia.

No: 0

Abstain: 0

CALL TO THE PUBLIC

Chairman Lynch opened the "Call to the Public."

Jack Cook spoke about various matters.

Chairman Lynch closed the "Call to the Public."

PLANNING DIRECTOR'S REPORT

Chairman Lynch then called for the Planning Director's report. Director Beverly Wilson informed the Commission that there were two Special Use dockets, one Rezoning docket, and a Tentative Plat Extension for the next meeting. She also noted the proposed Work Session regarding the Zoning Regulation update and asked the Commission for written suggestions regarding topics for discussion. She noted that the Zoning Regulation update would be heard by the Board of Supervisors on October 8.

CALL TO COMMISSIONERS

Mr. Lynch asked about absences for the next meeting. Mr. Brauchla indicated he would not be present. Mr. Lynch then read a letter resigning his position as Chairman of the Commission as of the end of the meeting. (*The letter is attached*). Mr. Lynch explained the bylaws regarding the absence of both the Chair and Vice-Chair at a meeting.

ADJOURNMENT

Ms. Weissler moved to adjourn, Mr. Bemis seconded and the meeting was adjourned at 7:46p.m.

JAMES R. LYNCH
6621 S Calle de la Cereza
Hereford, AZ 85615

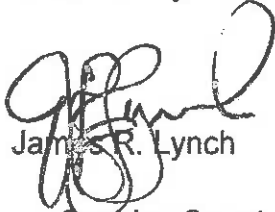
September 11, 2013

County Planning Commissioners
Cochise County, Arizona

Re: Resignation as Planning Commission Chairman

Effective at the close of the Commission Meeting on September 11, 2013, I resign as Chairman of the Planning Commission. I will continue to serve as a Commissioner.

Thanks for your support over the past years,

A handwritten signature in black ink, appearing to read 'James R. Lynch', is written over a printed name.

James R. Lynch

cc: Cochise County Supervisors

Zoning Regulation Review

9/1/2013

- 1) *For our clarity & edification I would like us to hear a complete explanation of ARS 11-813(A) and ARS 11-813(B) that states "The commission shall formulate and draft the zoning ordinance" and then submit its recommendation to the Board of Supervisors "for its consideration and official action".*
- 2) *Again for clarity & edification; an explanation or discussion on ARS 11-861 C.1. last sentence "If the board of supervisors adopts a city code, it shall adopt, within 90 days after receiving a written notification of a change to the city code, the same change or shall terminate the adopted city code."*
- 3) *102 Purpose (page1) is clear enough; however, when it becomes necessary to change enforcement of regulations on a regular basis it becomes clear that changes are necessary to facilitate both some oversight and the right of property owners to improve their property according to their vision and/or needs. e.g. the consistent modifications to driveways.*
- 4) *Agriculture General – The intrusion into amount of ag production seems to be over stepping the bounds and purpose of the zoning regulations too far in advance.*

When people move to rural areas they do so under the perception they will have the freedom to utilize their property in a manner that serves them. The poultry feeding operation seems to illustrate the point...it is not the county's business whether a person feeds 40 or 400 chickens. Clearly they would undertake this endeavor only to supplement their income. Huge industrial style operations that might resemble the greenhouses north of Willcox would come under the industrial agriculture considerations.

- 5) Custom Butchering/....(page 5) – Custom has and er on it that needs removal.*
- 6) Home Occupation – sounds dangerously intrusive. What consideration is given growth of start up operations or seasonal flux. It sounds like one needs to check in with county officials at each turn.*
- 7) Home Occupation – C seems in conflict with page 4 contract construction services.*
- 8) 307 Uses Prohibited (page 19) seems onerous/overly legalistic and not necessary to these zoning regulations. Statements such as these are perceived as tyrannical by*

numerous residents in Cochise County. As an example I refer you to the statement on special use docket SU-13-15 (Ramirez) in support, citing Mudook v Penn. 319 'No state can convert a liberty into a privilege & issue a license & fee for it.' And Shuttlesworth v Birmingham AL 373 'If a state does convert any liberty into a privilege & issue a license & fee you can ignore the license & fee & engage the right with Impunity.'

9) Whenever using acronyms there needs to be on the same page, close to that usage preferably, what is being referred to in the shorthand.

10)Article 10, 1002 & 1003.01 Brings up Sections inconsistently.

11) 1405.04 (page78) says inflammable when I suspect it should read flammable.

12)Article 16 – unless there is an immediate and pending item for this spot which we should know about and handle at this same juncture I would like to see Future Amendments not placed in the middle of a reviewed document, but in order in a later/ ending Article or end of the related Article.

13)1703 Administrative Rules (page 90) – I am not comfortable that the county zoning inspector can make up rules or policies that have not undergone review.

14)1715.06 Appeals (page 97) *This whole appeals area needs to be cleaned up, clarified and functional*

15)1715.05 Action on Application (page 99) *J – last sentence ...'or any other adopted area plan and/or those described in Article 18.' Does this open the door for the Sierra Vista Sub-Watershed Conservation and Management Policy Plan to be used in the rest of the county?*

16)1802.16 (page 108) – *Once again, I do not see the benefit of reserving a space in the middle of an article or the regulations for future use.*

17)1814 Reserved for future use (page 130) – *Why?*

18)2101 Creation and Membership (page 169) – *How does this relate to the Board of Appeals that doesn't handle appeals?*

19) 2103.01 (page 170) *middle of the page – Whenever Arizona Revised Statutes are referred to each applicable chapter and verse must be cited right there by that reference to facilitate finding & review for the public.*

20)2207.03 (page 177) – *cite the statute.*

21)2304 Penalties (page182) – *This sounds onerous and I would like to hear the logic for such a big club.*

22) I would like the opportunity to hear and consider the other commissioners' concerns and thoughts on improvements to these zoning regulations as well as hear from staff what is coming down the pike and consider working to coordinate the entire review process as opposed to the bits and pieces (excepting of course the water and animal considerations previously set aside).



COCHISE COUNTY COMMUNITY DEVELOPMENT

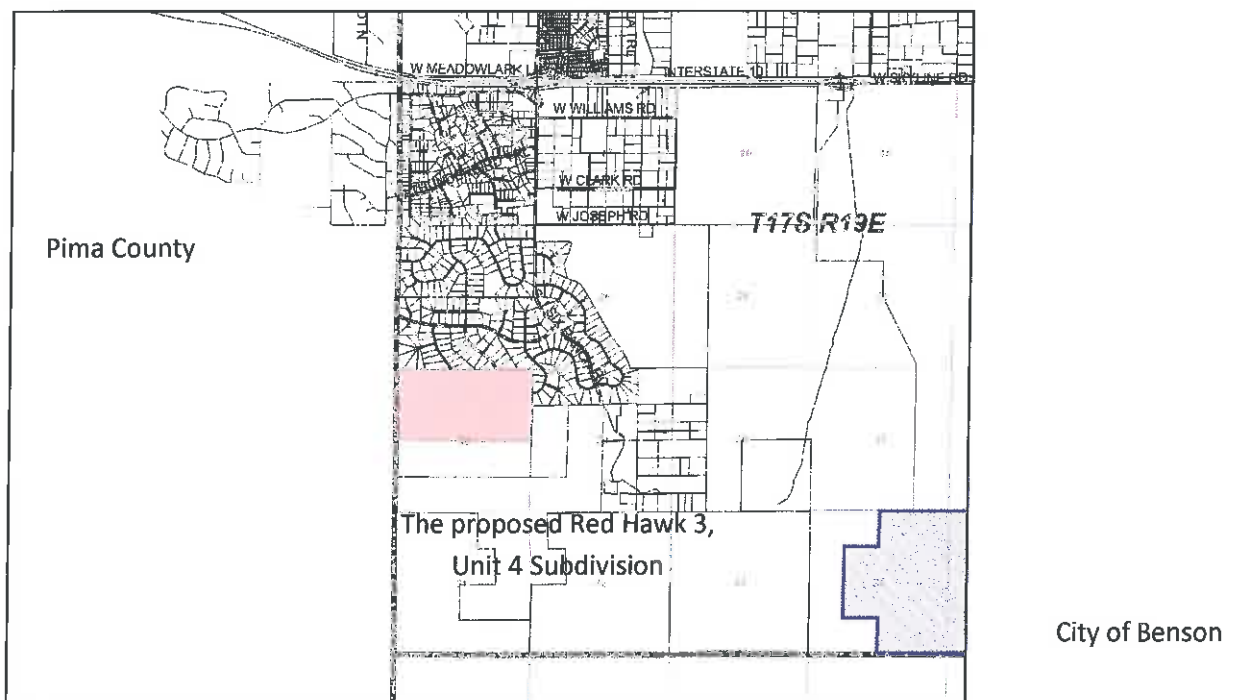
"Public Programs...Personal Service"

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *PMW*
For: Beverly J Wilson, Planning Director *BW*
DATE: September 24, 2013 for the October 9, 2013 Meeting
SUBJECT: Tentative Plat Extension, Red Hawk 3, Unit 4 Subdivision (S-08-02)

I. NATURE OF REQUEST

This request is for approval of two additional one-year time extensions for the Red Hawk 3, Unit 4 Subdivision Tentative Plat. The Tentative Plat was approved by the Board of Supervisors on March 24, 2009. The current Tentative Plat extension expired on March 24, 2012. The request is to grant a retroactive extension to March 24, 2013, as well as an additional extension to March 24, 2014. The Developer is Thunder Ranch Estates Unit IV, LLC, represented by Mr. Jim Vermilyea, and the Project Engineer is Mr. Arden Ranshaw representing Morrison Maierle, Inc.

The project is a 99-lot residential subdivision located on 309.58 acres, and zoned SR-2 (Single Household Residential; one dwelling unit per 2 acres). The lots range in size from 2.38 acres to 5.54 acres. The parcel (124-01-013F) is located two miles south of Interstate 10 in Benson; the Pima County line abuts the western edge of this parcel..



II. BACKGROUND

Since the Board of Supervisors approved the Tentative Plat (TP) in 2009, the developer has received a one-year administrative extension, in 2011. This extension expired on March 24, 2012, and the Applicant is requesting a retroactive extension to March 24, 2013, and another extension to March 24, 2014.

III. ANALYSIS

Tentative Plat approvals are effective for a two-year period, after which a one-year extension may be approved by staff (per Section 208 of the Subdivision Regulations). Subsequent requests for a one-year extension are granted by the Planning Commission. As stated above, the Developer has utilized his one-year administrative extension. Should the Commission grant the current request, staff would recommend that all previous Conditions of Approval carry forward.

IV. STAFF RECOMMENDATION

Staff recommends conditional approval of the retroactive one-year time extension for the Red Hawk 3, Unit 4 Tentative Plat, to expire on March 24, 2013, as well as conditional approval of the one-year extension to expire on March 24, 2014; the Conditions to be the same as for the original Tentative Plat approval on March 24, 2009.

Suggested Motion: Mr. Chair, I move to conditionally approve a retroactive one-year time extension as well as an additional one-year extension for the Red Hawk 3, Unit 4 Subdivision Tentative Plat, Docket S-08-02, with a new expiration date of March 24, 2014, and with the same Conditions as the March 24, 2009 approval of the Tentative Plat.

V. ATTACHMENTS

- A. Red Hawk 3, Unit 4 Tentative Plat Sheet 1
- B. Extension Request

RED HAWK @ J-6 RANCH
2850 E. SKYLINE #100
TUCSON, AZ 85718
(520) 490-1218

COCHISE COUNTY

SEP 04 2013

PLANNING

receipt 11-286
Paid

September 3, 2013

Beverly Wilson, RLA
c/o Cochise County Community Development Dept.
1415 Melody Lane
Building E
Bisbee, AZ 85603

RE: Red Hawk 3 TP

Dear Beverly,

As per our conversation of last week, we wish to extend the approval of the Tentative Plat for Red Hawk 3, Unit 4.

Activity in Unit 2 has improved and we feel the project as a whole will be a viable one in the future, in spite of the housing down turn over the last 5 years.

Please find enclosed the funds for the extension and let us know if there may be any other requirements.

Thank you for your attention in this matter.

Sincerely,



Jim Vermilyea
Red Hawk @ J-6 Ranch



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner II
FOR: Beverly J. Wilson, Planning Director
SUBJECT: Docket SU-13-16 (Stonebraker)
DATE: September 30, 2013 for the October 9, 2013 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to construct and operate a private airstrip, which would be for the private use of the applicant/property owner. The airstrip would be approximately 1,200-ft. by 48-ft., and would include an open-air storage/tethering ground for a Cessna and an ultralight aircraft. The subject parcel (107-40-008) is located at 729 E. Stonebraker Road, in the Legacy Ranch area south of Tombstone. The Applicant is Mark Stonebraker.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 39.33 Acres
Zoning: Rural (RU-4; one dwelling per 4-acres)
Growth Area: Category D (Rural)
Comprehensive Plan Designation: Rural
Area Plan: Sierra Vista Sub Watershed
Existing Uses: Rural Residential
Proposed Uses: Private airstrip

Zoning/Use of Surrounding Properties

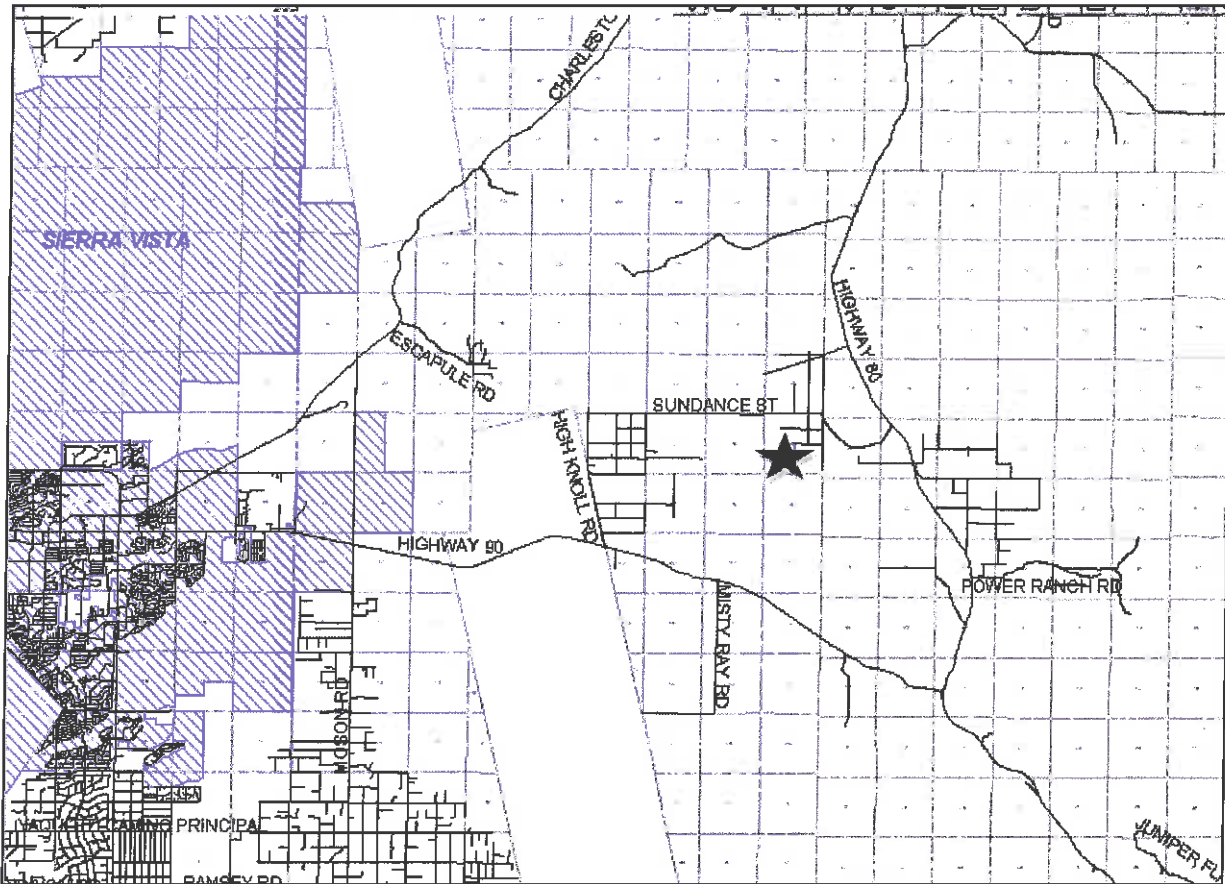
Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Unoccupied Land
South	RU-4	Unoccupied Land
East	RU-4	Unoccupied Land
West	RU-4	Unoccupied Land

II. PARCEL HISTORY

2004 – Permits issued for 840-square foot manufactured home, accessory building, well and septic system.

III. NATURE OF REQUEST

Mr. Mark Stonebraker has requested Special Use authorization to complete and to operate a private airfield on the subject property. This partially-completed airstrip currently serves as the Applicant's driveway access to Stonebraker Road, and is approximately 900-ft. long by 48-ft. wide. The Applicant currently owns a small ultralight aircraft, and some minor cleaning and adjustments to the existing runway are all that is needed to make it serviceable. As Mr. Stonebraker informed his neighbors in his Citizen Review letter, he may purchase a Cessna 172 aircraft, in which case he would extend the runway an additional 300ft. to the southwest.



The property is in the Legacy Ranch area, South of Tombstone between SR 80 and the San Pedro River.

The project site is in the vicinity of Legacy Ranch, a rugged, rural area with scattered, off-grid homesites on large lots, served by unmaintained roads of variable quality. Homesites in the area provide for all utilities and services on site, and solar and wind arrays are common.

The Commission has authorized Special Uses for private airstrips on rural homesites in the past. For small-scale, private airfields such as these, staff has generally recommended Conditions and development standard modifications that reflect the intent of Applicants to permit these as accessory uses to a principal rural residence. The proposal under current consideration is similar, in that what is essentially being proposed is an alternate means of ingress and egress to a remote property. No new construction is proposed as part of this Special Use; aircraft would be stored on the property on a small tethering area that would be cleared and prepared by the Applicant.

Since there is no intent to clear more than one acre of land, no land clearing permit would be required. Therefore, in the analysis and recommendations below, staff's position is that where possible, residential site development standards and infrastructure considerations are appropriate.



Aerial view of the project site, showing the diagonal runway/driveway. A wash intersects with Stonebraker Road at the upper right, which has eroded the road surface.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10-factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Seven of the 10 criteria apply to this request. The project as submitted complies with three of the seven applicable Special Use factors, as submitted. If the Conditions of Approval and Modifications to development standards recommended by staff are applied, the project would comply with six of the seven applicable Special Use factors.

A. Compliance with Duly Adopted Plans: Complies (Subject to Condition #4)

The project site is within the boundaries of the *Sierra Vista Sub Watershed Policy Plan*. Although the manufactured home on the property has existing fixtures, Condition 4 would require compliance with the Plan's water conservation policies in the event that new construction takes place.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.07 of the Zoning Regulations establishes that the Rural Districts may include “*some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/ suburban areas.*”

C. Development Along Major Streets: Not Applicable

The property takes access from Stonebraker Road, a rural minor access road.



View to the southwest of the driveway/proposed runway.

D. Traffic Circulation Factors: Complies

The Special Use, if granted, would preserve the function of the streets serving the property, and would have the effect of decreasing road traffic, as the Applicant would be enabled to access the property by air. The Applicant, in his Citizen Review letter, offered to correct an alignment error in Stonebraker Road, which he claimed is off-set from its deeded location by approximately 30-ft. A neighboring property owner informed him that Stonebraker is in its proper place, and the Applicant has since stated that no realignment will be necessary.

E. Adequate Services and Infrastructure: Does Not Comply

The project site is in a very rugged, remote area where services are unavailable, and are not likely to be for the foreseeable future. There is on the site an on-site well and septic system, as well as a propane tank for natural gas service; the property is not served by electric power utilities, but the application states that solar panels and/or generator power is available.

Although the application states the property is served by the Tombstone Fire Department, this area is not served by any fire department or district.

The site is accessed by land via Stonebraker Road, a rural minor access road which is in poor condition. The westernmost quarter-mile approaching the subject property is impassable to most smaller vehicles with a low clearance. While this road is essentially a driveway for the Stonebraker property and serves a minimal number of parcels in the area, it is noteworthy that the road is impassable at the approach to the property.

Typically, for Special Use requests, staff would recommend a Condition requiring a private maintenance agreement connecting the property to the County maintenance system. Such a requirement would be regarded by staff to be unnecessary and over-reaching in this case, as there would be no non-residential traffic accessing the property. As discussed above, the Applicant is requesting a Special Use authorization to establish what would be in practical terms an accessory residential use, which would have the effect of decreasing road traffic along this road. Staff recommends that the private maintenance agreement requirement not be applied to this use (*see Section V of this Memo, below*).

F. Significant Site Development Standards: Complies (Subject to Requested Modifications)

As a small manufactured home site on a 40-acre parcel, the property meets most current site development standards. As discussed, the nature of the proposed use is such that residential standards are recommended, which means that certain non-residential standards are recommended for waivers. For example, the partially-constructed runway on the property also serves as the driveway to the residence on the property. As such, the runway encroaches wholly into the 40-foot setback required of Special Uses. Additionally, staff recommends the gravel surface requirement for driveways be waived for this use. Requested Modifications are further discussed in Section V of this memo, below.

G. Public Input: Complies

Per the Applicant, the Citizen Review process yielded statements of support or “no objection” from eight property owners within 1,500-feet. One neighboring property owner expressed concern about her ability to sell her property at a later time should the airstrip be approved. This individual expressed similar concern in response to the County mailing that took place later (*see Public Comment, below*). Another neighbor also responded to the County mailing with support.

H. Hazardous Materials: Not Applicable (See Condition 2)

Per the Applicant, no storage of hazardous materials would take place on the property. However, should he propose to store any fuels or other flammable materials on the property, Condition 2-E would require that such materials be stored in containers approved by the *National Fire Protection Association*.



The Stonebraker homesite.

I. Off-Site Impacts: Complies (Subject to Condition 2)

The action of taking off and landing in either an ultralight aircraft, or in a Cessna 172, would create visual and noise impacts to neighboring properties. This land use may also have an impact on the Class C Fort Huachuca airspace, which begins 15,000-feet above ground level over the property, and continues to 30,000-feet. Additionally, air missions from the Fort, Libby Army Airfield and other destinations may result in air traffic lower or higher in altitude in the vicinity of Mr. Stonebraker's property. The ultralight aircraft the Applicant currently owns must maintain a low altitude. The Cessna 172 which the Applicant hopes to obtain has a maximum serviceable altitude of 13,500-feet above ground level. This means that air traffic conflicts are not anticipated. Nevertheless, under the operation protocols recommended by staff as Condition 2, the Applicant would be required to meet with personnel from Libby Army Airfield to confer and come to an understanding to ensure that the airspace above Mr. Stonebraker's property can be shared safely. The Applicant would be required to provide staff with the results of such a meeting prior to issuance of a permit.

In consideration of the regional, national and international implications of a new, permitted airport facility, staff recommends, as Condition 3, that prior to permit issuance the Applicant notify the Federal Aviation Administration of his intent to operate a landing facility (Form 7480-1).

J. Water Conservation: Complies (See Condition 4)

The residence on the property is served by a well, and fixtures within the existing manufactured home are in place. Any new fixtures would be required to comply with the water conservation measures of the Sierra Vista Sub Watershed Policy Plan (Condition 4).

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

As discussed, this Special Use proposal is to permit ingress and egress by air to a remote rural-residential site, for use by a single resident. In consideration of the nature of the proposed use and its context in the surrounding area, staff recommends the following Modifications to development standards be applied should the Commission approve this Docket:

1. *A waiver of the requirement that a 2-inch deep gravel surface be applied to the interior driveways, including the runway;*
2. *A waiver of the requirement of a 40-foot setback for Special Uses in Rural Districts; and*
3. *A waiver to the requirement that the Applicant enter into a Private Maintenance Agreement, ensuring a maintained connection from the subject property to Highway 80.*

VI. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within one-mile of the subject property. Staff posted the property on September 23, 2013 and published a legal notice in the *Bisbee Observer* on September 19, 2013. In response to County mailings, the Department received correspondence from two neighbors supporting the request, and one opposing.

VII. SUMMARY AND CONCLUSION

This request for a small, private airstrip is anticipated to generate some off-site visual and noise impacts due to low-flying aircraft. The property also sits beneath Fort Huachuca's restricted airspace, in which air traffic is restricted between 15,000-feet and 30,000-feet above ground level. The Applicant is aware that ongoing coordination with Libby Army Airfield will be a requirement for the operation of the airfield.

The proposal enjoys significant support in the surrounding area. Per the Applicant, eight neighboring property owners expressed support or neutrality during the Citizen Review phase. One additional neighbor expressed support in response to notice by mail.

With the recommended Conditions of Approval, staff's position is that the airstrip can be permitted and operated safely.

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval, the proposed use would comply with each of the eight applicable Special Use factors used by staff to analyze such requests;
2. The Applicant's Citizen Review effort yielded positive or neutral responses from eight neighbors; and
3. One additional neighbor has expressed support for the request in writing.

Factors Against Allowing the Special Use

1. The property is beneath Class C restricted airspace, in which civilian air traffic is prohibited between 15,000-feet and 30,000-feet above ground level. Some training missions may result in air traffic below this altitude as well. Without Condition 3 in place, the use could result in air traffic control issues between civilian and military aircraft;
2. The use would be in an area underserved by infrastructure, utilities and emergency services; and
3. One neighboring property owner opposes the airstrip request.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. Operation of the private airstrip shall be subject to the following protocols:
 - A. Use of the airstrip is limited to the Applicant only, to include one ultralight aircraft and one Cessna 172;
 - B. The airstrip shall be operated in Visual Flight Rule conditions only during daytime hours, and shall not be used under any other conditions except in case of emergency;
 - C. Per FAA regulations, the operator of the aircraft must maintain an altitude of at least 500-feet above ground level (AGL) when passing over homes in a rural area to minimize disturbance and noise impacts to neighboring property owners. This does not apply to takeoffs and landings;
 - D. Prior to permit issuance, the Applicant shall meet with personnel from Libby Army Airfield, and shall provide staff with a record of such meeting prior to permit issuance. The Applicant shall notify Libby personnel prior to any takeoff or landing at the facility; and
 - E. Any fuels or other flammable materials on the property shall be stored in containers meeting National Fire Protection Association standards.

3. Prior to permit issuance, the Applicant will file a Form 7480-1 Notice of Landing Area Proposal with the Federal Aviation Administration and provide the accepted notice to County staff;
4. Any new water fixtures for the Applicant's residence shall comply with the policies of the Sierra Vista Sub Watershed Policy Plan.
5. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
6. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Staff further recommends that the following Modification and Waivers to development standards be applied to the use:

1. A Waiver of the requirement that a two-inch deep gravel surface be applied to the interior driveways, including the runway;
2. A Modification of the requirement of a 40-foot setback for Special Uses in Rural Districts; and
3. A Waiver to the requirement that the Applicant enter into a Private Maintenance Agreement, ensuring a maintained connection from the subject property to Highway 80.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-13-16, with the Conditions of Approval and Modification and Waivers to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Special Use Questionnaire
- B. Location Map
- C. Concept Plan
- D. Agency Comments
- E. Citizen Review and Public Comment



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 107-40-008

APPLICANT Mark H Snyder-Stonebraker

ADDRESS 729 E Stonebraker Rd, Tombstone, AZ 85638

CONTACT TELEPHONE NUMBER 520 456-6223

EMAIL ADDRESS: stonebr1@cox.net

PROPERTY OWNER (IF OTHER THAN APPLICANT) N/A

ADDRESS _____

DATE SUBMITTED _____

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

\$ 300
\$ 300 = PAID
\$ CHECK # 2405

PART ONE - REQUIRED SUBMITTALS

8/6/2013 KD

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11by17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. Attach separate pages if the lines provided are not adequate for your response. Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? *Part time single family Residence and road*_____

2. What is the proposed use or improvement? *Use existing Landing strip for Cessna 172 and*

Ultralight aircraft. And extend the strip by 300 feet. A area of 20x80 feet will be cleared to store Aircraft.

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties?

I plan to land an ultralight and a Cessna 172 about once a week

The landing pattern for the ultralight will start about ¼ mi from the NE corner of my property a little southeast of the Sullivan's homestead and altitude of 600 feet above ground level.

For the larger plan it will be up to ½ mi from the north east corner of the property about at legacy ranch and Dirksen draw at altitude 1200 feet above the ground level

The impact on will be mainly on the people along the landing path. Infrequent landings will have a minor impact on those in the area. _

4. Describe all intermediate and final products/services that will be produced/offered/sold.

There will be no products sold or produced.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

No buildings will be constructed.

6. Will the project be constructed/completed within one year or phased? One Year X
Phased NO if phased, describe the phases and depict on the site plan.

It will be completed within one year. It is completed at this point the strip is already in place to the length of 954 feet. It now is also a driveway to access the existing home site. I am applying for an extension of the field for an additional 300 ft

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: _____ Hours (from _____ AM to _____ PM)

B. Number of employees: Initially: 0 Future: 0

Number per shift Seasonal changes _____

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

One or two vehicles

(2) Total trucks (e.g., by type, number of wheels, or weight)

zero

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

Vehicles enter from Stonebraker Rd. from the east.

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heavies

Use will be random based on the travel plans of the owner.

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day _____ per year _____

Will you use a septic system? Yes No X If yes, is the septic tank system existing?

Yes No Show the septic tank, leach field and 100% expansion area on the site plan.

- G. Does your parcel have permanent legal access*? Yes ☒ No ☐ if no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- H. For Special Uses only- provide deed restrictions that apply to this parcel if any.

Attached ☐ NA ☒ YES ☐

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	On site well	
Sewer/Septic	On site Septic	
Electricity	Generator or solar panels	
Natural Gas	Propane tank on site	
Telephone	Cell only	
Fire Protection	Tombstone	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Takeoff and landing of above mentioned aircraft type for myself and close friends only.

2. Will outdoor storage of equipment, materials or products be needed? Yes ☒ No ☐ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. *The aircraft will be tethered outdoors just off the landing strip at the driveway to the existing house. An area of 80x 20 will have to be cleared for the tethering area.*

3. Will any noise be produced that can be heard on neighboring properties? Yes ☒ No ☐ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? *Aircraft landing and taking off will produce noise. Most of the landing pattern is well away from structures. The aircraft will be higher in the pattern when passing over neighboring housing.*

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No X if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes X ___ No ___ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes ___ No X ___ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ___ No X ___ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No X ___

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?
Yes ___ No ___

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Dirt

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No **X**___ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C- Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

The site has a singlewide manufactured home with a well and generator for electricity. It is not occupied on a _____

Continuous basis. No changes are planned to the site except to extend the existing runway by 300 feet. _____

2. How many acres will be cleared? *300x 48 foot will be cleared or about 1/3 of an acre. The existing runway will be re-graded as it is somewhat grown over. The runway will be graded with provisions to prevent erosion.*

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes_ No_ **X**_ If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

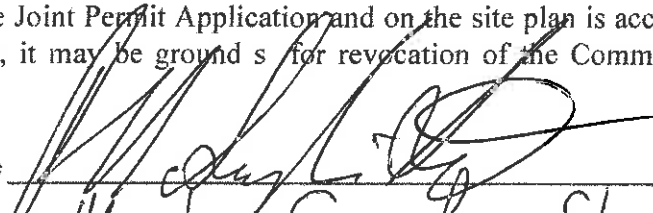
SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature

Print Applicant's Name

Date signed


Mark Sngder-Stonebraker
8/6/13



Address: 729 E Stonebraker Rd,
Tombstone, AZ 85638
Tax number: 107-40-008
Zone: RU4
Site area: 39.09 acres
Legal Description: NW4 OF SW4
SEC 25 21 22 EXCEPT E30'

No washes through the airstrip or
Within 300 feet. No utilities
provided to the airstrip.

existing airstrip / driveway 942
length

proposed airstrip / driveway
1242 length

Existing home site

188.57 ft./in.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

Date: September 11, 2013

To: Keith Dennis, Planner II

From: Dennis L. Donovan, P.E. – on behalf of
Karen L. Lamberton, AICP, County Transportation Planner

Subject: Stonebraker Airstrip: SU 13-16/Parcel #107-40-008

This special use request is to allow for the construction and operation of a 1,200 feet long by 48 feet wide private airstrip on the subject 40 acre parcel. The site is reached via State Highway 80 (SR-80) north of its intersection with SR-90 to the access point for E. Legacy Ranch Rd. just south of MP 328. A metal gate at the westerly SR-80 Right-of-Way (ROW) line grants access to E. Legacy Ranch Rd, which exists as a private dirt and gravel roadway that extends generally westerly in an arc that dips to the south and then northwesterly one and one-half miles to S. Dirksen Draw. The vehicular access to the site then continues with slightly less than one-half mile south on Dirksen Draw to Stonebraker Rd. and then one-half mile west on Stonebraker to the northeast corner of the subject parcel. Both roads are unimproved dirt roadways, with Stonebraker being rough throughout and essentially impassable in a sedan over the most westerly quarter mile.

The Applicant proposes to extend an existing 900+ foot runway an additional 300 feet to create a total runway length of 1,200 feet. The existing runway will be re-graded to clear growth and debris that have occurred during an extended period of non-use. The runway also functions as the driveway from the ROW to the residence. In addition to the clearing and grading for the additional 300 feet of runway and regrading of the original 900+ feet of runway to a width of 48 feet, a 20 ft. by 80 ft. area near the residence will be cleared for tethering aircraft. The Applicant's Ultra-light and Cessna 172, if purchased, will each land and take off about once a week and the runway is to be used only for the applicant and his close friends. One or two vehicles will enter and leave the site occasionally, according to the applicant.

The applicant is proposing a 1,200 foot runway which, according to FAA Advisory Circular No 150/5325-4B, is the appropriate length for small general aviation planes traveling at speeds of 30-50 knots in this location. These standards call for a minimum length of 800 feet at mean sea level, plus an increase in runway length for higher elevation at a rate of 0.08 times (x) the elevation above MSL, or $5,000 \times 0.08 = 400$ feet of additional length. The proposed length of this airstrip by the applicant allows for an adequate angle of approach and take offs on the airstrip.

Considering the part time residential nature of the home and the infrequent flight landings and takeoffs, the traffic counts are likely to be minimal. No mention of aviation fuel storage or delivery is made by the






23
D

applicant. Per the ITE Manual, 8th edition, single family residential units typically produce 9.57 vehicle trips per day. The proposed aviation use is unlikely to have a noticeable impact on trip generation to this parcel.

Advisory Note for the Applicant

The Applicant is responsible for maintaining adequate and safe access to the airstrip as well as maintaining adequate and safe conditions on the proposed runway landing site.

The applicant should be advised that maintaining adequate and safe landing conditions may include:

-  Removal of all trees, scrubs and vegetation along the length of the landing strip;
-  Clearing of all obstacles such as large rocks or tree stumps along the length of the landing strip;
-  Monitoring the height of vegetation in the immediate path of takeoff and landing, taking into account any natural slope in the area;
-  Preparing and maintaining an even surface area free from bumps, holes and ruts with a smooth and packed landing surface; and
-  Addressing drainage and rain/flood water impacts to the landing strip surface area.

The applicant should be aware of his duty to report the airstrip to the FAA labeled as a private, restricted airstrip. The applicant should also be aware of, and adhere to, flight restrictions related to national boundaries and military airspace.

The applicant is also advised that if more than one (1) acre of land is to be disturbed, he must obtain a Land Clearing Permit from the county. Additionally, a storm drainage study may be required by the Floodplain Dept.

Recommendation

With the above noted advisory notes to the applicant this department has no objection to issuing the requested permit. No off-site conditions have been identified for this proposed use.

cc: Docket SU 13-16

Dennis, Keith

From: Walsh, Matthew B CIV (US) [matthew.b.walsh.civ@mail.mil]
Sent: Thursday, September 26, 2013 11:16 AM
To: Dennis, Keith; Turisk, Mike
Cc: North, James S CIV USARMY IMCOM CENTRAL (US)
Subject: Stonebraker Strip Extension SUP Application (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Keith/Mike: Tried to call today but understand you all are in class rest of this week. I have run this application by our Airfield Operations folks and gotten their initial response. Based on that and our previous discussions, would request your consideration of the following inclusions to address potential concerns:

1. The proposed strip does fall under our R2303C Military Restricted Airspace. R2303C starts at 15,000 MSL (approx. 10,000 AGL) and extends up to 30,000 ft. MSL. Per the applicant, the proposed strip with extension would operate well below our airspace. However, there at times high volumes of military jets (A-10's and F-16's from Tucson) and C-130's from the Advanced Airlift Tactics Training Center at Ft. Huachuca that operate in this area due to alternate approaches into LAAF and assets on the east range (Hubbard Assault Strip and several parachute drop zones). Therefore, it would be important for the applicant to meet with our airfield operation staff in order to be briefed on this activity and better facilitate communication between his aviation activities and the associated military activities in that area. In order to ensure this coordination has happened, we would request applicant schedule a meeting with the LAAF Airfield Manager Ms. Carol Thompson at (520)538-2861. We will provide them with a letter verifying this has taken place and could further serve as a condition of consideration for his application.
2. Per our earlier conversation, our other main concern is that this single use air strip on the 40 acre parcel not expand to more homes and potentially more users of the airstrip in the future. We would not want this to evolve into a future "air park" with multiple residences without some other form of application/review. You mentioned ways in which you think that can be accomplished within the purview of the County for processing and approving the application. We would like to see in the final document for consideration how you intend to address that limitation.

We appreciate the opportunity to review this application and give input. If you have any additional questions, please contact myself or Mr. Jim North (cc:ed) on the Garrison Staff and we will address any additional concerns.

THX/Matt W.

Classification: UNCLASSIFIED

Caveats: NONE

Dear neighbor, You are invited to submit comments on my request to add a use of my Property @729 Stonebraker Rd.

Greetings to you and your family. I am delighted to have you as my neighbor. I am writing you to ask if you have any objections to an added use of my land. When I put in the home I had planned to keep and fly my ultralight airplane from my lot. Well, job and a new marriage kept me from following through with that. I have just recently retired and would like to carry through with my original plan. In order to be able to land my small plane I need to ask you all if you have any objections to that use of the property.

Project summary

- Get approval for the special use of it as a landing strip
- Extend the airstrip 300 feet
- I will land an ultralight and eventually if possible a Cessna 172 about 1 or 2 times a week
- The landing pattern for the ultralight will start about ¼ mi from the NE corner of my property a little southeast of the Sullivan's homestead and altitude of 600 feet above ground level.
- For the larger plan (if I buy it) it will be up to ½ mi from the north east corner of the property about at legacy ranch and Dirksen draw at altitude 1200 feet above the ground level
- See the attached aerial photo to see the land and airstrip marked by a red balloon.

If I can get this special use permit I will pay to right an error in the current Stonebraker Road. As you may know many roads are 30 feet north or west of their actual right of way in the Legacy ranch area. Although I do not own the land under the right-of-ways and as I am not personally responsible for the historical placement of the road, I am doing this as a service to those who live on Stonebraker Rd. I will move Stonebraker Rd to its proper location 30 feet south of its current location and will grade it to make a serviceable road from Dirksen Draw to my property. A satellite photo of the layout is enclosed so you can see the relationship of my property to yours and the existing landing strip.

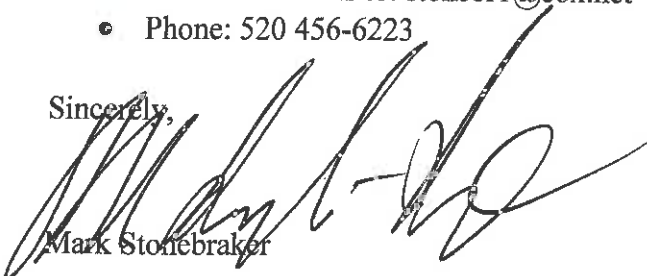
Your input is important to me.

We look forward to hearing from you.

I would be happy to meet with you. Please let me know if you would like to arrange a meeting or feel free to contact me.

- Submit written comments to:
Mark Stonebraker
3716 E Choctaw Dr.
Sierra Vista, AZ 85650
- Email comments to: stonebr1@cox.net
- Phone: 520 456-6223

Sincerely,



Mark Stonebraker

Enclosure. Satellite Photo.

4/19/2013

26
E

CITIZEN REVIEW REPORT

COPYIES OF NOTICES SENT TO PROPERTY OWNERS

COPIES OF information provided to the public

RespOonses, concerns and questions raised by the public during the nitification process

Applicant response to concerns raised by the public.

I got three letters returned for invalid address

Rural Services Association

2160 Fry Blvd #237, Sierra vista

Frailey RR 310 S Williams Blvd ste 180, Tucson, AZ

Legacy Land and Cattle Co

2160 E Fry #237, Sierra vista, AZ

Contacts:

6/2/2013 Gene Benfoey of 1185 old School, Cornville , AZ

H had no objection to the airstrip, He was interested in selling me his property.

5/4/2013

Debra Sutherland related to Mrs Garcia want to sell their property.

4/23/2013

Email from Raymod Korleski attached. They have "absolutely no issues with your proposed changes".

4/27/2013 Kevin Dirkson has no objections to my use of the property.

4/23/2013 Sullivans: They had no objection to the use .

4/25/2013 Pamela Holland: Had no objection just wanted to get acquainted

4/25/2013 Bob Zolland. Has no objection was concerned about the change of the roads and pointed out that the roads are actually where they should be. I was under the misconception that they were in the wrong properties. I stand corrected.

6/3/2013

Steve Tracey

Tod Cindy south of Bob

Joe Heinzl has the 160 acres has no objection.

34

mark stonebraker

From: Korleski, Raymond <RKorleski@cochise.az.gov>
Sent: Tuesday, April 23, 2013 11:17 AM
To: stonebr1@cox.net
Subject: Proposed Landing strip

Mr. Stonebraker,

Thank you for the forethought to send out the notice about your proposed property changes. My wife Debbie and I are your nearest neighbors at the corner of S. Helen Rose Ln and Stonebraker Rd. We reviewed your letter and diagram and have absolutely no issues at all with your proposed changes. I'm a retired Air Force NCO and relish the thought of having aircraft sounds so nearby our home. I'm pretty handy with tools and such, so if you need help to build a hangar, please don't hesitate to call on me. Though I cannot speak for all our neighbors, I don't see where your proposed flightpath will actually be over any dwellings. BTW, was that you flying over the area on Saturday 20 Apr? I saw an ultralite flying quite high and was wondering where it hailed from.

Regarding your plans to redo Stonebraker. If you redo it from Helen Rose lane, it would be across all unimproved lots, however, if you go all the way to Dirkson, Tim Dirkson has a fenced area that butts up to the current Stonebraker location and your proposed change will cut right through his fenced area.

We look forward to meeting you someday.

Ray Korleski, Sec'y
Cochise County Sheriff's Office
Sierra Vista Squad
Cell: 210-273-9964
Personal Email: debraygk@yahoo.com

Dennis, Keith

From: Gardner, Peter
Sent: Thursday, May 30, 2013 8:18 AM
To: Dennis, Keith
Subject: FW: Fw: request to add a use of property located @ 729 Stonebraker Rd. Choch...

This looks to be related to Stonebraker's pre-ap for the airstrip.

Peter Gardner, Planner I

Cochise County Community Development Department
Planning, Zoning, and Building Safety Division
1415 Melody Lane, Building E
Bisbee, AZ 85603
Phone: 520-432-9240
Fax: 520-432-9278
"Public Programs, Personal Service"
www.cochise.az.gov

From: DOGONIT2@aol.com [mailto:DOGONIT2@aol.com]
Posted At: Thursday, May 30, 2013 6:50 AM
Posted To: Planning and Zoning
Conversation: Fw: request to add a use of property located @ 729 Stonebraker Rd. Choch...
Subject: Fwd: Fw: request to add a use of property located @ 729 Stonebraker Rd. Choch...

Cochise County Planning & Zoning Dept.

Please accept this email as our initial statement & record of events in the below mentioned matter.

Thank You, David Mathews

Cochise County
To: dogonit2@aol.com
Sent: 5/29/2013 10:53:08 P.M. Pacific Daylight Time
Subj: Fw: request to add a use of property located @ 729 Stonebraker Rd. Cochise County, AZ

----- Original Message -----

From: David Mathews
Sent: 05/28/13 10:19 AM
To: stonebr1@cox.net
Subject: request to add a use of property located @ 729 Stonebraker Rd. Cochise County, AZ

Dear Mr. Stonebraker,

I am writing you on behalf of my mother-in-law, Eva Delores Ulibarri. Upon receiving your letter dated 4-19-13, she has asked that I speak to you as her representative in the matter of your proposed added use (300' extention for airplane landing strip/runway) for the property you own located @ 729 Stonebraker Rd.

We spoke a few weeks back. At that time I informed you that my mother-in-law was interested in selling the property and that she has had no luck w/ realtors in the Cochise County area.

In our conversation you mentioned depending on location, you would consider making an offer on the property if it would accommodate your needs for the idea of an added use/runway.

Additionally, as I have informed you... we have spoken to the Cochise County department responsible for contacting/petitioning neighbors & they have explained things in terms that we understand to this stage of the process.

As expressed to both you and the Cochise County Representative, my mother-in-law has concerns. The primary concern(s) being that the noise and other dangers from low-flying aircraft would distract from potential buyers in what is already a difficult market. Additionally, that there are numerous regional airports with adequate runways nearby that you can perhaps utilize for your needs.

FTR... At this point in time there is no need to discuss cost, potential loss of revenue to the city/state/local businesses & the fact that you own and live in a nearby residence (3716 E. Choctaw Dr. Sierra Vista, AZ 85650).

In our most recent conversation (5-28-13) you stated that you do not have the funds to acquire her property, yet you were not sure as to it's location or the asking price.

This letter is to serve as to the sequence of events and to document the aforementioned.

Please feel free to reach out to me anytime if you have any concerns or inquiries.

Regards,

David Mathews
(818) 378-9202

Special Use: Docket SU-13-16 (Stonebraker)

☒ YES, I SUPPORT THIS REQUEST:

Please state your reasons:

*We have no objection to this special use request.
It is his property.*

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): *Krebs, David E & Sandra L.*

SIGNATURE(S): *David E. Krebs
Sandra J. Krebs*

YOUR TAX PARCEL NUMBER: *107-41-005* (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Monday, September 30, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still email your comments to kdennis@cochiseaz.gov, or fax your comments to 520-432-9278, or you may make a statement at the public hearing listed above. Your cooperation is greatly appreciated.

RETURN TO: Keith Dennis, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

32
E

To: Keith Dennis, Planner II
FAX - 520-432-9278

Special Use: Docket SU-13-16 (Stonebraker)

YES, I SUPPORT THIS REQUEST:

Please state your reasons:

✓ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

I, Dolores Ulibarri Garcia property owner of Parcel # 107-40-002A 2 do not support Mr. Stonebraker's request to construct and operate a private airstrip on his property. I need to sell my land parcel of 39.5 acres and feel that this airstrip will hinder any future sale and depreciate the value of my property. There are three other airports that Mr. Stonebraker has access to. I do not see the need for another airstrip.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Dolores Ulibarri Garcia

SIGNATURE(S):

Dolores Ulibarri Garcia

YOUR TAX PARCEL NUMBER: 107-40-002A (the eight-digit identification number found on the tax statement from the Assessor's Office) 2

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on Friday, September 27, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Keith Dennis, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

33
F

Special Use: Docket SU-13-16 (Stonebraker)



YES, I SUPPORT THIS REQUEST:

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): JAMES + HILDEGARD SULLIVAN

SIGNATURE(S):

James I Sullivan
Hildegard Sullivan

YOUR TAX PARCEL NUMBER: 107-40-0051 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, September 27, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

34

E



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner *(PG)*
FOR: Beverly J. Wilson, Planning Director *(BW)*
SUBJECT: Docket SU-13-17 (Salem)
DATE: September 23, 2013, for the October 9, 2013 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant requests Special Use authorization to use an existing 718-sq.-ft. single-family dwelling for a short-term rental. The proposal requires a change of land use to Guest Lodging, requiring Special Use approval per Section 607.01 of the Zoning Regulations. The subject parcel (401-86-003D) is located at 10323 E. Rock Creek Lane in Pearce. The Applicant is Suzanne Salem of 4801 W. Echo Lane, Glendale, AZ 85302.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 10.00-Acres
Zoning: RU-4 (Rural; one dwelling per 4-acres)
Growth Area: Category D (Rural)
Comprehensive Plan Designation: Rural
Area Plan: None
Existing Uses: Rural Residential
Proposed Use: Guest lodging

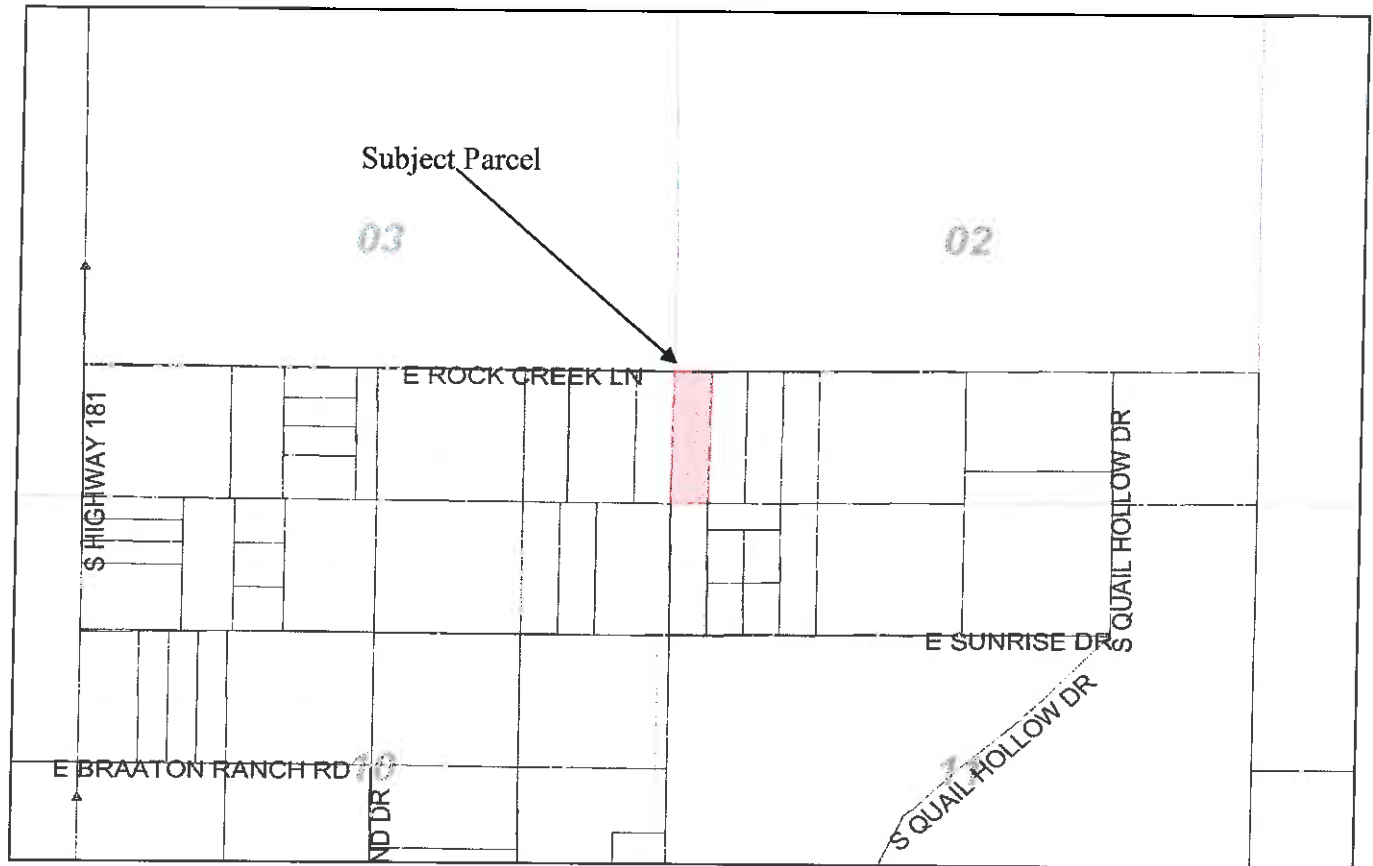
Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Ranch Land
South	RU-4	Rural Residential
East	RU-4	Rural Residential
West	RU-4	Rural Residential

II. PARCEL HISTORY

1996 – Previous owner permitted and constructed a 718-sq.-ft. single family residence and septic system; and

2003 – Previous owner permitted and constructed a 288-sq.-ft. detached garage on the property.



III. NATURE OF REQUEST

The Applicant, Suzanne Salem, intends to use the existing house as a guest rental. The unit would be available for short-term stays for one party at a time. Because the proposed rental unit can only accommodate one party at a time, traffic would most often consist of one vehicle accessing the site. The driveway to the property is currently a native surface.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Eight of the 10 criteria apply to this request. The project as submitted complies with five of the eight applicable Special Use factors, as submitted. If the Conditions of Approval and development standard Modification recommended by staff are applied, the project would comply with each of the eight applicable factors.

A. Compliance with Duly Adopted Plans: Complies

The property does not lie within any Area Plan, but one characteristic of the Rural plan areas is “developed or undeveloped recreational areas.” This project would comprise a developed recreational area near public lands.



View of the proposed Guest Rental.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.05 of the Zoning Regulations encourages “recreational support services that are compatible with rural living.”

C. Development Along Major Streets: Not Applicable

The site is not located along any arterial roadway; E. Rock Creek Lane connects the use to State Highway 181 one mile to the west.

D. Traffic Circulation Factors: Complies (Subject to Condition 2)

Compliance with this factor depends upon the ability of a proposed land use to utilize the existing transportation network in the manner in which it was designed. The project site accesses E. Rock Creek Lane, a 25-foot wide, private access and utility easement. The road is a native, non-County-maintained surface, and all driveways coming off of it are likewise native surface.

To ensure compliance with this factor, staff recommends, as Condition of Approval 2, that the Commission oblige the Applicant to enter into a private maintenance agreement with County staff to ensure that E. Rock Creek Lane between the subject property and Highway 181 is maintained in a safe and drivable condition.



View of the existing driveway conditions.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property. The property is served by an on-site well and septic system and SSVEC provides electric power. Per the Applicant, the site is served by the Sunizona Fire Department.

F. Significant Site Development Standards: Complies (Subject to Requested Modifications)

As submitted, the project site complies with most applicable site development standards, with two exceptions. The site plan is deficient with regard to the standard requiring a 24-foot wide, two-way driveway on the property. Staff recommends that the Commission grant a Modification to permit the existing 15-foot wide native driveway to remain. The other deficiency is the location of the existing garage 20-feet from the west property line. Staff recommends that the Commission grant a Modification to legitimize this deficiency as well.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received a positive response from one neighboring property owner. There were also two positive responses to notification sent by staff.



View of the home and property, with the garage on the right.

H. Hazardous Materials: Not Applicable

Per the Applicant, no hazardous materials are to be stored or utilized on site.

I. Off-Site Impacts: Complies (Subject to requested Modification)

Off-site impacts are anticipated to be negligible for this project. The project is proposed as a “guest house” on a rural-residential site of 10-acres. The principal structure is set back over 60-feet from all property lines; however the existing garage is 20-feet from the west property line. The Applicant requests a Modification, which staff supports, to permit the garage to remain in its current location. No additional outdoor lighting is to be used. The guest house to be used for lodging would generate less traffic than if it were utilized as a full-time residence.

J. Water Conservation: Complies

As a business utilizing an existing site, the Applicant intends to use existing water fixtures in the existing guest house. The site is served by one well; if the property were split and built out as single-family residences, two homes could be built on the 10-acre property, with the potential for a different well serving each, and corresponding increased water usage.



A southern view from the project site.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on September 19, 2013, and published a legal notice in the *Bisbee Observer* on September 19, 2013. In response to this mailing, the Department received two positive responses from neighbors.

VI. REQUESTED MODIFICATIONS

Although the existing 12-foot wide driveway on the property does not accommodate simultaneous ingress and egress traffic, the driveway as it exists is sufficient for the volume and nature of traffic proposed. Staff therefore recommends a Modification to the 24-foot two-way driveway standard for commercial uses (Section 1804.06.F), to allow the existing 15-foot wide, native driveway and gate to remain. The existing permitted garage was constructed 20-feet from the west property line, the minimum required for a residential structure in a Rural Zoning District. The minimum setback for Special Uses in the Rural Districts is 40-feet; however as the garage will not be the primary structure utilized for the proposed use, staff supports the request for a Modification to allow the 20-foot setback to stand.

VII. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of approval, and requested Modification, the proposed use would comply with each of the eight applicable Special Use factors used by staff to analyze such requests;

2. Per Section 601.05 of the Zoning Regulations, the proposed use is appropriate in the Rural Districts and one that would not threaten the rural character of the area;
3. The proposed use would generate no appreciable off-site impacts;
4. The proposed use would use existing structures; and
5. Three neighboring property owners have expressed support in writing for the project.

Factor Against Allowing the Special Use

1. None Apparent

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12 months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. Prior to the issuance of a permit, the Applicant enter into a Private Maintenance Agreement, to ensure that E. Rock Creek Lane between Highway 181 and the entrance to the subject property is maintained in a safe, drivable condition;
3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Staff also recommends that the driveway width and garage setback Modifications discussed above be applied to the land use as part of such approval.

Sample Motion: Mr. Chairman, I move to approve Special Use Docket SU-13-17, with the Conditions and Modifications to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Special Use Questionnaire
- B. Location Map
- C. Concept Plan
- D. Citizen Review and Public Comment



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 401-84-0030
APPLICANT Suzanne Salem
ADDRESS 4801 W. Echo Lane, Glenview, AZ 85302
CONTACT TELEPHONE NUMBER 602-397-1255
EMAIL ADDRESS: SalemSuzanne@hotmail.com
PROPERTY OWNER (IF OTHER THAN APPLICANT) _____
ADDRESS _____

DATE SUBMITTED 8/23/13

Special Use Permit Public Hearing Fee (if applicable)
Building/Use Permit Fee
Total paid

\$ 300.00
\$ _____
\$ _____

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

A

43

6. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Residential
2. What is the proposed use or improvement? Guest lodging
Getaway for 2-4 Adults
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? hiking, birdwatching,
4. Describe all intermediate and final products/services that will be produced/offered/sold.
Guest lodging, Short term rental,
NO customer on site

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

log cabin (Existing) with detached garage & pump house.

6. Will the project be constructed/completed within one year or phased? One Year _____
Phased _____ if phased, describe the phases and depict on the site plan.

N/A

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from _____ AM to _____ PM) 240/day
B. Number of employees: Initially: 0 Future: 0
Number per shift Seasonal changes _____

- C. Total average daily traffic generated:

- (1) How many vehicles will be entering and leaving the site.

Anticipate 1-2 vehicles per stay.

- (2) Total trucks (e.g., by type, number of wheels, or weight)

Anticipate SUVs, light duty trucks.

- (3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

Will enter & exit onto Rowland Lane off Hwy 181.

- (4) If more than one direction, estimate the percentage that travel in each direction

N/A

- (5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Anticipate traffic will be on site late Aug - April.

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day _____ per year 900

Will you use a septic system? Yes X No _____ If yes, is the septic tank system existing?

Yes X No _____ Show the septic tank, leach field and 100% expansion area on the site plan.

- G. Does your parcel have permanent legal access*? Yes ☒ No ☐ if no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached ☐ NA ☒

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private Well	
Sewer/Septic	Septic System	
Electricity	SWEC	
Natural Gas	N/A	
Telephone	N/A	
Fire Protection	Santa Ana Fire Dept.	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Star gazing, burning, hiking, birdwatching

2. Will outdoor storage of equipment, materials or products be needed? Yes ☐ No ☒ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

3. Will any noise be produced that can be heard on neighboring properties? Yes ☐ No ☒ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No ☒ If yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes ___ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes ___ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ___ No ☒ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No ☒

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?
Yes ___ No ☒

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Existing Aggregate

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No ☒ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? _____
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes ___ No ☒ If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature

Suzanne Salem

Print Applicant's Name

Suzanne Salem

Date signed

8/23/13

S HIGHWAY 181

34

35

03

02

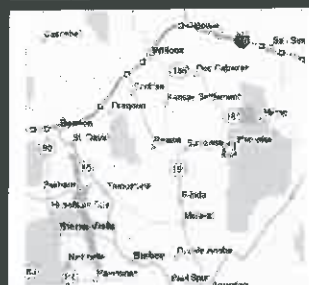
E ROCK CREEK LN

E SUNRISE DR

E TURKEY CREEK RD

Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Current Features



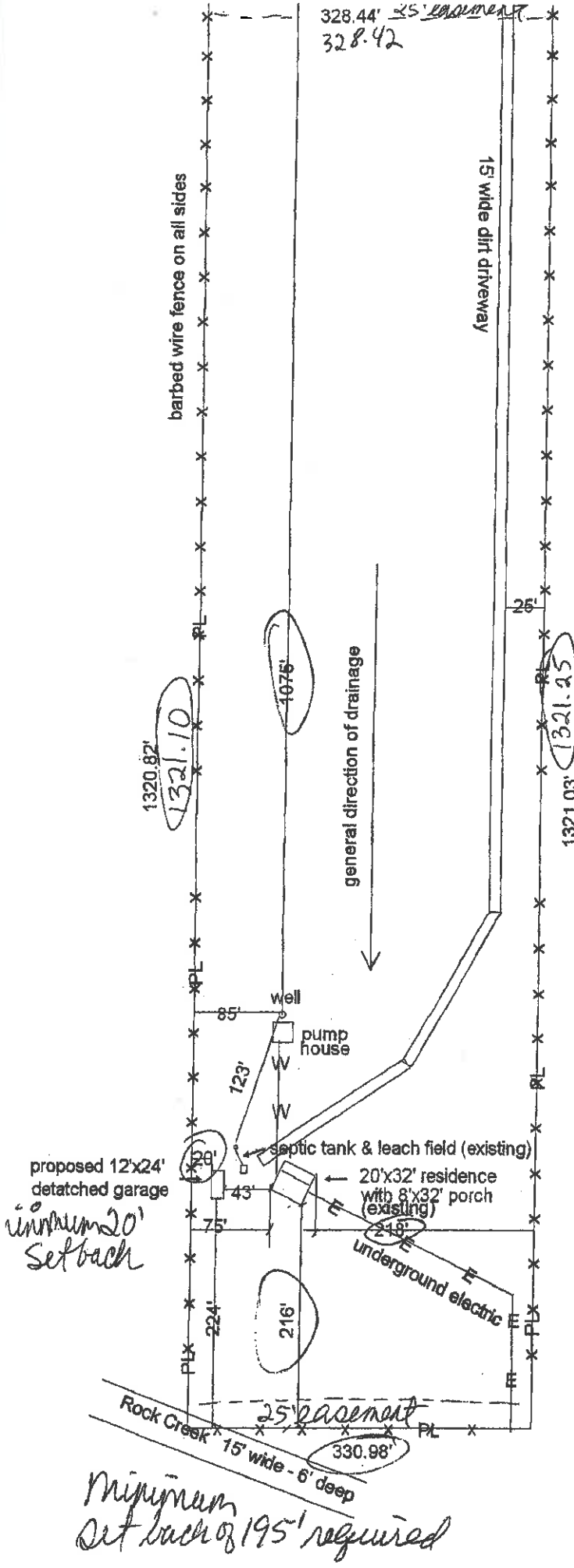
SU-13-17 (Salem)
Location Map

This map is a product of the
Cochise County GIS



0' 1" = 2000'

B
50



It is the applicant's responsibility to obtain any additional permits, or meet any additional conditions, if any that may be applicable to the proposed activity pursuant to other federal, state or local laws or regulations

The setback will be measured from the closest point on the property line or edge of road travelway to the structure/use whichever is closer

No structure/use permitted herein shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easement

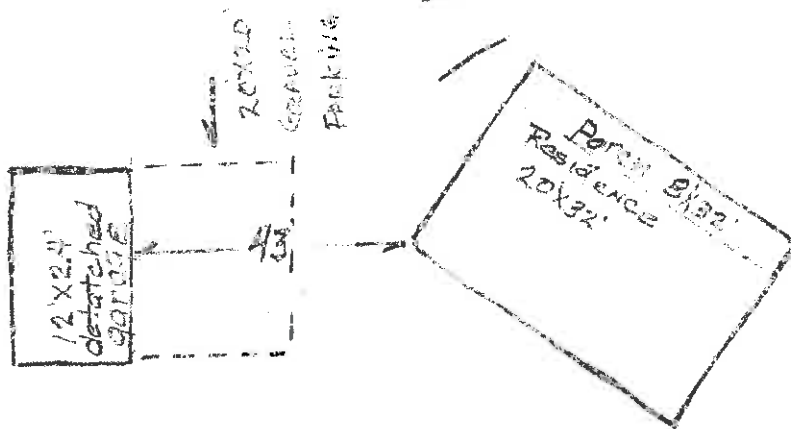
As per the initial outline of the site plan, the "Cochise County Code" For a... (1320) 428-0300

if any changes need to be made to this approved site plan due to conflicting requirements from any other County department, this site plan must be re-approved by the Planning Department BEFORE any construction begins

401-86-003D
Plot Plan - Otomar J. Bartos
10323 Rock Creek Lane
Book 1 pg 14-14A Turkey Creek Rd
W2W2SW Sec2 18 28 10.00

51C

APPROVED COCHISE COUNTY PLANNING & ZONING	
For <u>Detached Garage 2888</u>	
Permit # <u>031590</u>	Date <u>12/11/03</u>
By <u>Delia Lee</u>	



NOT to Scale

10323 Rock Creek Lane

52
C

Back Side Rock Creek

August 5, 2013

Our Neighbor
Rock Creek Lane or Sunrise Drive
Pearce, AZ 85625

Dear Neighbor,

You are invited to submit comments on our request to change the use of our property at 10323 E. Rock Creek Lane. We want to use our cabin on this property as a short term vacation rental (guest lodge). This cabin will offer a getaway for 2-4 guests who have an interest in solitude, night skies, wildlife and birds, hiking, and local historic and recreational sites. Traffic will enter and exit on East Rock Creek Lane off Highway 181.

Your input is important to us. We look forward to hearing from you. Please submit any questions or concerns to:

Ed Urquijo and Suzanne Salem
10393 E. Rock Creek Lane
Pearce, AZ 85625

Sincerely,

Suzanne Salem

Ed Urquijo and Suzanne Salem

10393 E. Rock Creek Lane

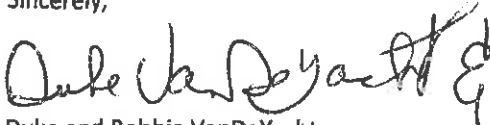
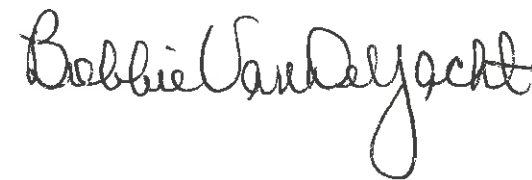
Pearce, AZ. 85625

Dear Ed Urquijo and Suzanne Salem,

We live at 12974 S. Quail Hollow Drive, Pearce, AZ. 85625 and support your plan to use your cabin as a vacation rental.

Thank you for requesting our input.

Sincerely,

 & 
Duke and Bobbie VanDeYacht

Special Use: Docket SU-13-17 (Salem)

SEP 25 2013

PLANNING

X

YES, I SUPPORT THIS REQUEST

Please state your reasons:

The area benefits from this Special Use.
I do NOT see ANY negatives.
Please grant this request.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Earl G. Van DeYacht - Manager

Desert Dutchman Ent, LLC

SIGNATURE(S):

Earl G. Van DeYacht

YOUR TAX PARCEL NUMBER: 401-85-007B (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, September 27, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Peter Gardner, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Rishee, AZ 85603

55
D

Special Use: Docket SU-13-17 (Salem)

COCHISE COUNTY

SEP 27 2013

PLANNING

☒

YES, I SUPPORT THIS REQUEST

Please state your reasons:

This is an appropriate use of their property.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Kevin Dahl

SIGNATURE(S):

Kevin Dahl

YOUR TAX PARCEL NUMBER: 401-85-002 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Friday, September 27, 2013 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Peter Gardner, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

56
D



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Michael Turisk, Planning Manager
FOR: Beverly J. Wilson, Planning Director
SUBJECT: Docket Z-13-04 (Waste Management of Arizona, Inc.)
DATE: September 26, 2013 for the October 9, 2013 Meeting

APPLICATION FOR A REZONING

Waste Management of Arizona, Inc. requests rezoning a 4.8-acre portion of the 10.89-acre subject parcel (106-06-016) located at 2183 N. Coyote Place in Whetstone from GB (General Business) to LI (Light Industry) to facilitate a solid waste transfer station land use. The remaining acreage is zoned RU-4 (Rural; minimum lot size four acres). The GB portion of the site is currently being used by the Applicant as a vehicle and container storage and maintenance yard and with a small administrative office. In late 2008, Special Use authorization was granted by the Planning and Zoning Commission for a neighborhood-scale public recycling drop-off facility. Ms. Nicole Bisacchi is the Agent for the Applicant.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 10.89-acres (4.8-acres of which is requested for rezoning)
Growth Area: Category B
Comprehensive Plan Designation: Developing (DEV)
Area Plan: Sierra Vista Sub-watershed
Existing Uses: Truck and container storage and maintenance;
administrative office
Proposed Uses: Solid waste transfer station and recycling drop-off facility

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	rural-residential
South	RU-4	W. Oak St.; rural-residential
East	RU-4	N. Coyote Pl.; rural-residential
West	RU-4	undeveloped



Subject Property outlined in red

II. PARCEL HISTORY

1986 – Commercial permit for 2,000 sq.-ft. administrative building and previously existing structures (4,000 sq.-ft. total); and

2008 – Special Use authorized for a public recycling drop-off facility.

III. NATURE OF REQUEST

Waste Management of Arizona, Inc. has requested a rezoning of a portion of their their 10.9-acre site in Whetstone to Light Industry (LI) to facilitate a waste transfer station land use. The Applicant intends to install an large garage-like structure (see attached photos labeled “Flagstaff Transfer Station”) to contain solid waste until it can be transported to Tucson-area landfills. The Applicant also intends to follow through on providing recycling drop-off, per the Special Use authorized by the Planning and Zoning Commission in 2008. The site is currently being used as a vehicle and container storage yard and has a small administrative office.

As mentioned, in late 2008 a Special Use was approved for a publically-accessible and neighborhood-scale recycling drop-off facility in order to collect, store and ship commingled residential and commercial recyclables, including newspaper, cardboard, plastic bottles and aluminum cans.

Although the recycling activities were authorized by the 2008, the Applicant has been granted several permit extensions and as of yet has not obtained the required commercial permit. Per the submitted rezoning application narrative, 50-100 tons of recyclables are anticipated to arrive daily. All materials would be covered or enclosed on site, including those materials loaded onto trucks for transport. Signs would direct the public to recycling drop-off containers.

Waste Management would also accept non-hazardous Municipal Solid Waste (MSW) and non-hazardous commercial/industrial waste. The MSW transfer station would not be available to the public and be sited at the center of that portion of the property currently zoned GB. The Applicant anticipates 300-600 tons of daily MSW. No materials are expected to be on-site for over 24 hours, and like recyclables, would be stored in covered trailers for weekday off-site transport to minimize the potential for litter and odor. The on-site concrete tipping floor would be cleaned as needed and the site as a whole maintained as dust- and litter- free.

The hours of operation would be from 4:00a.m. to 4:00p.m. for commercial haulers and public recycling drop-off, although these hours might change slightly based upon market demands. There would be marked drop-off areas and commercial haulers would be directed to a weigh station to ensure compliance with maximum transport weight restrictions.



Entrance to Waste Management of Arizona, Inc. located at 2183 N. Coyote Pl. in Whetstone

Mandatory Compliance

Per the *Comprehensive Plan*, the subject property lies within a *Developing* (DEV) Plan Designation. LI zoning is permitted in areas designated as DEV, so this request to rezone to LI complies with the Comprehensive Plan in this regard.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides 15 criteria used to evaluate rezoning requests. Twelve of the criteria are applicable to this request, all of which comply or comply with Conditions.

1. Provides an Adequate Land Use/Concept Plan—Complies

The submitted concept plan is adequate to provide for a reasonable review of this rezoning request. However, if approved, a more detailed site plan would be required at the time of commercial permit submittal for the proposed uses.

2. Compliance with Applicable Site Development Standards—Complies with Condition and Modification

If approved, the Applicant must honor the various applicable minimum site development standards for the LI Zoning District. For example, the minimum setbacks for uses in LI that abut Rural Zoning Districts are 80-ft. from all property lines and 20-ft. from any road travelway. Also, outdoor storage in Category B Areas must be screened regardless of abutting zoning district (however, slatted fencing is installed that serves the purpose of reducing visibility of the activities). The Applicant should easily comply with maximum site coverage (85%), but the minimum distance between structures is 15-ft. in the LI Districts; the two maintenance/storage structures on site (*see p. 5 of this memo*) are in violation of this standard; therefore, a Modification is requested.

Furthermore, regarding noise or vibration in the LI Districts, per the Zoning Regulations:

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites, to the unaided human senses for 3 minutes or more duration in any one hour of the day between the hours of 7:00 a.m. to 7:00 p.m. or of 30 seconds or more duration in any one hour during the hours of 7:00 p.m. and 7:00 a.m.

In addition:

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

The Applicant must honor the noise and vibration restrictions set forth for the LI Zoning Districts. Note that the Applicant is required to adhere to these noise and vibration standards currently, as they also apply to uses in the GB Zoning Districts.

3. Adjacent Districts Remain Capable of Development – Complies

If the 4.8-acre portion of the subject property is rezoned to LI as proposed, doing so would not affect the development prospects of neighboring properties.



View of the storage yard and maintenance facilities

4. Limitation on Creation of Nonconforming Uses—Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development – Complies with Condition 1

The LI Zoning District encourages:

The establishment of light industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, access to major streets and highways, and availability of public utilities.

Although RU-4 Zoning with rural-residential uses is most notable immediate to the subject property (and LI zoning does not exist in the immediate vicinity), there is a large parcel zoned LI approximately ¼-mile to the south and east along W. Buffalo Lane. There are also a number of parcels zoned GB to the north and south and especially as one travels eastward towards the intersection of State Highways 82 and 90. Limiting the footprint of the requested LI Zoning to approximately 4.8-acres of the 10.9-acre property along with the impact mitigation strategies proposed by the Applicant should continue to help minimize the potential for area residents to experience significant impacts.



Administrative office

6. Rezoning to More Intense Districts—Complies

This Factor addresses the potential impacts of rezoning to a Zoning District that allows for more intense uses or greater housing densities, for example. The LI Zoning Districts do not have a required minimum lot size or density. The primary focus, however, is the nature and scope of the uses proposed and the associated impacts; potential impacts associated with the solid waste transfer stations and recycling drop-off are addressed in more detail in Factor Five, above.

7. Adequate Services and Infrastructure – Complies

The property has adequate services, including power (SSVEC), phone (Century Link), and emergency services protections (Whetstone Fire). Water and wastewater are provided by a private well and septic, respectively.

8. Traffic Circulation Criteria – Complies with Condition 2

From State Route 90, the site is accessed by traveling westward for approximately one-mile on County-maintained and improved W. Oak St. and is then served by N. Coyote Pl., a private roadway dedicated to the County but maintained by the Applicant. The uses conceptualized in the submitted rezoning application are unlikely to generate noticeably higher traffic counts, save for a slight increase in larger truck traffic.

This slight additional trip generation is likely to be absorbed into the existing traffic circulation pattern with little difficulty. Nor is the increase expected to generate volumes that would trigger the need for more significant improvements or reconfigurations to SR 90, W. Oak St. or N. Coyote Pl.

Rezoning for the proposed purpose is unlikely to dramatically change the general nature of the existing uses. However, at the commercial permit phase the Applicant would be expected to make several off-site transportation-related improvements prior to operation; these improvements were imposed and agreed to as part of the Special Use authorization in 2008 for the recycling drop-off and are proposed here as a Condition of Rezoning Approval. They include:

1. *A chip-sealed apron with concrete ribbon curb constructed at the intersection of W. Oak St. and N. Coyote Pl. to protect the pavement edging and prevent the expansion of the apron area beyond the roadway easement; and*
2. *N. Coyote Pl., a private road, improved with a gravel surface, at minimum, for dust control from the applicant's site to W. Oak St.*

The Applicant provided a limited scale Traffic Impact Analysis (TIA) as part of their Special Use Permit authorization in 2008 for the public recycling drop-off facility. That report projected a potential of up to 50 new vehicle trips per day with peak hour trips of less than 10 for the expanded recycling use. Combined with existing vehicle trips and with the proposed new uses, vehicle trips are likely to range from 84 to 112 per day. In 2008, as a Condition of Approval, the Applicant was required to participate in shared maintenance costs for W. Oak St. The Applicant has submitted the requested funds and W. Oak St. was resurfaced with a portion of said funds by the County in June 2012. In addition, the Applicant has provided an executed Private Maintenance Agreement for N. Coyote Pl., and has improved the roadway with some gravel to help in ensuring that transient dust is kept to a minimum and does not become problematic for area residents, particularly those living along N. Coyote Pl.

9. Development Along Major Streets—Complies

County right-of-way staff reviewed the application and provided comments regarding right-of-way dedication needs for County-maintained roads. As noted, the subject property derives access from W. Oak Street, a County-maintained road, and N. Coyote Pl., a non-County-maintained public road. W. Oak Street is functionally classified as a Rural Minor Access road. Per County right-of-way staff, no further dedication is required at this time for W. Oak Street, as the existing easement meets the standard width.

10. Infill—Not Applicable

This Factor applies to rezonings to GB, LI or HI (Heavy Industry), and the site is located in an existing *Enterprise* or *Enterprise Redevelopment* Plan Designation area, per the Comprehensive Plan. This factor is designed to encourage infill in areas where commercial and industrial development already exists. This Factor is not applicable because the subject property is within an area designated as *Developing*.

11. Unique Topographic Features – Not Applicable

The site lacks unique topographic features that could demand special development considerations.

12. Water Conservation—Complies

Although the property lies at the extreme northern boundary of the Sierra Vista Sub-watershed, the uses associated with the rezoning request would not generate additional and significant water use.

13. Public Input—Complies

Per the Zoning Regulations, the Applicant was required to complete a Citizen Review, the results of which are attached in the "*Citizen Participation Results Report*." The Applicant contacted 30 neighboring property owners within 1,000-ft. of the subject property. Questions from property owners were addressed by the Applicant through formal written correspondence (attached) and phone communication.

Staff published a legal notice and notified neighboring property owners within 300-ft. of the property. As of this writing, the Department has received one email indicating opposition to the rezoning request. One notice was returned as undeliverable. The combined concerns from respondents include:

- *Traffic volume and level of maintenance on W. Oak St. and N. Coyote Pl.;*
- *Odors*
- *Litter*
- *Noise*
- *Visibility of stacked roll off boxes; and*
- *Negative impacts on property values in the area.*

14. Hazardous Materials – Not Applicable

Per the Applicant, the facility would not accept or handle hazardous materials.

15. Compliance with Area Plan - Complies

The subject property lies within a *Category B– Community Growth Area* and an area designated as *Developing* (DEV) by the Comprehensive Plan. The site and surrounding areas reflect an identifying characteristic of the DEV areas in that a mix of commercial activity and zoning occurs along with residential or rural-residential uses (with commercial activity expected to increase over time).

The property is also located just within the northern bound of the *Sierra Vista Sub-watershed* and thus is subject to the water conservation requirements for commercial uses in the sub-watershed. However, the uses as proposed would not require particular attention to water conservation measures as they are considered low water use activities.

VI. SUMMARY AND CONCLUSION

This is a request by Waste Management of Arizona, Inc. to rezone a 4.8-acre portion of a 10.89-acre property in Whetstone from GB to LI to facilitate a waste transfer station land use.

Although the request would allow for a more intense industrial-type of use amongst scattered rural-residential sites, the request represents a reasonable extension of existing similar activities, especially at the scale proposed. This coupled with the Applicant's proposed potential impact mitigation protocol and expected minimal traffic increases should not result in off-site impacts to the degree that would jeopardize harmonious coexistence with area residential uses.

Factors in Favor of Forwarding a Recommendation of Approval

1. The property is located in an area of Whetstone with existing commercial and to a lesser degree, industrial zoning;
2. The property's Comprehensive Plan Designation (DEV) allows for Light Industrial zoning;
3. The site has been used for solid waste-related activities since prior to the establishment of the Zoning Regulations, and a Special Use was approved by the Planning and Zoning Commission in late 2008 for a neighborhood-scale recycling drop off facility;
4. The rezoning would facilitate what could be considered a reasonable expansion of existing uses;
5. The Applicant has proposed various mitigation measures to minimize the potential for serious off-site impacts, including vector, odor, dust and litter controls; and
6. The Applicant has provided the County with funds to contribute to off-site transportation-related improvements.

Factors Against Forwarding a Recommendation of Approval

1. The Applicant has provided public-accessible recycling drop off services, per the authorized 2008 Special Use, but without obtaining the required commercial permit;
2. The rezoning request has generated opposition from three neighboring property owners with concerns about litter, noise, odors, traffic and reduced property values; and
3. The site is considered proximate to rural-residential land uses in the area, so greater potential exists for those residents to experience off-site impacts.

VII. MODIFICATION

1. A Modification of Section 1303.04 requiring a minimum distance of 15-ft. between structures in the LI Districts to allow for the existing separation.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends the Planning and Zoning Commission forward a recommendation of ***Conditional Approval*** of this rezoning request, subject to the following Conditions:

1. The rezoning to Light Industry applies to only that portion of the site currently zoned General Business (4.8-acres);
2. The Applicant shall comply with the Conditions of Approval attached to Special Use-08-19, including Condition 1 which speaks to restricting storage to within the existing fenced area;
3. Prior to operation, the Applicant shall install and on-site an Arizona-certified scale calibrated as required that is certified on an annual basis (or as otherwise required) to ensure that loads for off-site transfer remain under 80,000-lbs.; and
4. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors' approval of the rezoning.

Sample Motion: *Mr. Chairman, I move to recommend forwarding a recommendation of approval of Rezoning Docket Z-13-04, with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

- A. Rezoning Application
- B. Aerial Map
- C. Concept Plan
- D. Photos of Flagstaff Transfer Station
- E. Project Narrative
- F. Staff Comments
- G. Citizen Participation Results Report and Public Comment



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Waste Management of Arizona, Inc.
2. Mailing Address: 222 S. Mill Ave, Suite 333
Tempe AZ 85281
City State Zip Code
3. Telephone Number of Applicant: (602) 763-4385
4. Telephone Number of Contact Person if Different: ()
5. Email Address: nbisacchi@wm.com
6. Assessor's Tax Parcel Number: 106-06-016 (Can be obtained from your County property tax statement)
7. Applicant is (check one):
 - Sole owner: ☒ Corporation
 - Joint Owner: _____ (See number 8)
 - Designated Agent of Owner: _____
 - If not one of the above, explain interest in rezoning: _____
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
 - List attached (if applicable): N/A
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
 - If corporation, corporate resolution designating applicant to act as agent: ☒
 - If partnership, written authorization from partner: _____
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____
- Copy of title report: ☒ _____
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No ☒ _____

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No ☒ _____

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: RU-4 and SUP

14. Indicate proposed Zoning District for Property: Light Industry

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: GB (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: B (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: see narrative

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: See narrative

and site plan

19. Are there any deed restrictions or private covenants in effect for this property?

- No ✓ Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

see narrative.

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? maintain dust-proof surface

on Coyote

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 1

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	private well	
Sewer/Septic	septic	
Electricity	Sulfur Springs Valley	
Natural Gas	None	
Telephone	Century Link	
Fire Protection	Whetstone Fire Dept.	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

see narrative

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

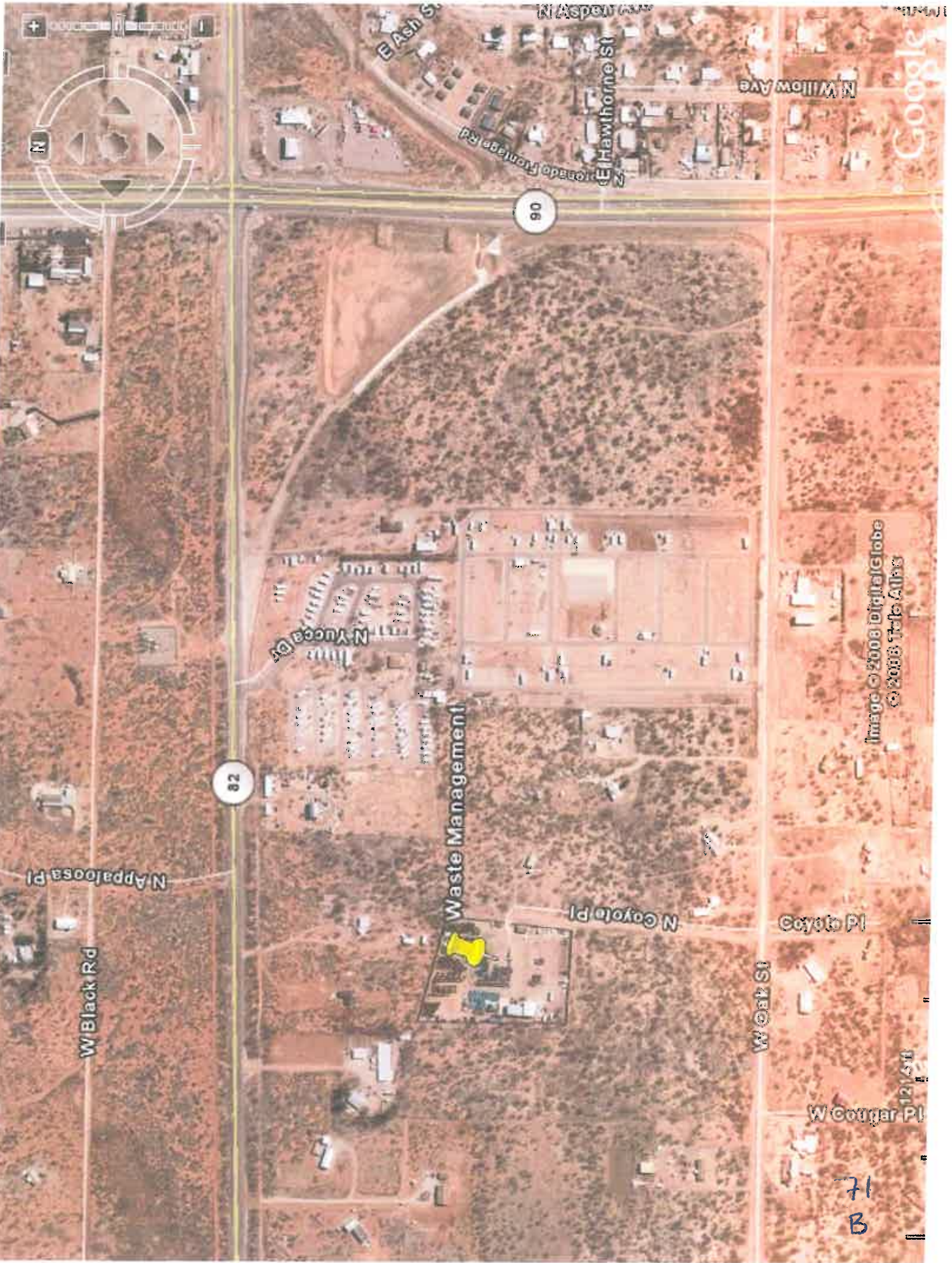
Applicant's Signature: Nicole R Bisacchi

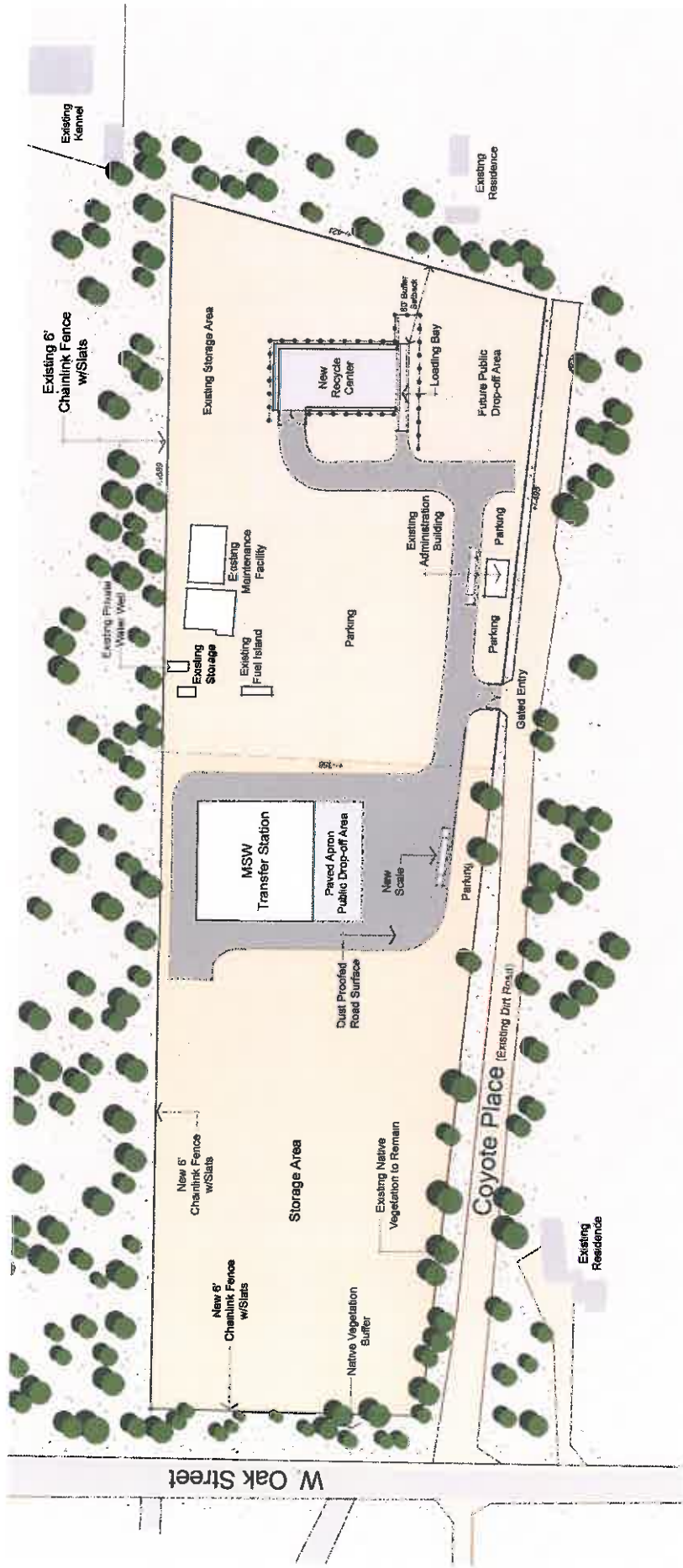
Date: 7/1/2013



State of	Arizona	County of	Maricopa
On this	1st	day of	July, 2013
before me the undersigned notary public personally appeared			
Nicole R. Bisacchi			
personally known or proved to me through satisfactory evidence of identification to be the person(s) whose name(s) is/are signed on the preceding or attached document and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.			
<u>Jennifer L. Haggard</u>			
Signature of Notary Public			
My Commission Expires <u>2/25/2017</u>			

71
B





Plan Data:

Property Location: 2183 N. Coyote Place, Huachuca City, Arizona 85616
 Parcel Number: 106-08-016
 Site Area: 11 Acres
 Existing Zoning: RU-4 and SUP
 Request: Light Industrial

Owner/Operator:
 Waste Management Four Corners Market Area
 1000 North
 Tempe, Arizona 85281
 Prepared by:
 Drifting Sands Design, Inc.
 P.O. Box 24291
 Tempe, Arizona 85285

Conceptual Site Plan for:

Sierra Vista Waste and Recycling Center

Waste Management of Arizona, Inc. Cochise County, Arizona



Date: June 6, 2013

72
C



Flagstaff Transfer Station

WASTE MANAGEMENT OF ARIZONA, INC.
SIERRA VISTA WASTE AND RECYCLING CENTER



NARRATIVE

**Cochise County
Special Use Permit (SUP)
Application**

July 1, 2013

Introduction/Request

In accordance with the Cochise County Zoning Ordinance, Waste Management of Arizona, Inc. ("WMA") is requesting a change in zoning for parcel 106-06-016 to Light Industry (LI) to allow a non-hazardous municipal solid waste (MSW) and recycling transfer station to be located within the General Business (GB) zoning district. The property is approximately 11 acres with approximately 4.8 acres currently zoned under a Special Use Permit (SUP) to allow a recycling transfer station; the remaining acreage is currently zoned RU-4. The property is owned by WMA and is located at 2183 North Coyote Place (the "Subject Property"). As shown on the enclosed Conceptual Site Plan dated June 6, 2013 (the "Site Plan"), the proposed MSW transfer station will be developed near the center of the property. WMA currently has approval for the future Recycle Center on the north part of the property, and the maintenance facility and administration buildings currently exist as shown on the Site Plan.

Site Operation and Maintenance

Initially, WMA anticipates collecting and transferring both recyclables and waste at the MSW Transfer Station. As volumes increase and demand requires, the separate Recycling Center will be built to allow for better segregation of materials. The MSW Transfer Station will be designed to accept household waste and non-hazardous commercial/industrial waste. No biohazardous, hazardous, TSCA-regulated, liquid waste, or industrial special waste will be accepted at the site. The Recycling Center will accept commingled recyclables from both residential and commercial sources. Newspaper, cardboard, paper, plastic bottles, and aluminum cans are among the recyclable materials that will be accepted at the Recycling Center. All material received at the site will be stored under cover or in covered transfer trailers and transported off site on a regular basis.

The hours of operation at the Waste and Recycling Center are anticipated to be from 4:00 a.m. to 4:00 p.m. However, these hours of operation will be adjusted to meet the needs of seasonal changes and market demands, which may dictate reduced or increased hours of operation. The MSW transfer station will not be open to the public, but the recycling center might open to the public after full build-out, as approved in the 2008 SUP. A public drop-off for recyclables exists, and will remain available throughout all phases.

Types of Materials Accepted & Unacceptable Material

WMA will accept recyclables delivered to the Recycling Center (such as from residential or commercial sources) that have a recycling outlet. Examples are: newspaper, cardboard, paper, fiber, plastic bottles, and aluminum cans. WMA will also accept nonhazardous waste and MSW at the MSW Transfer Station.

WMA will not knowingly accept any regulated hazardous waste, sewage solids, septage, pathogenic wastes, radioactive wastes, biohazardous wastes, or TSCA-regulated wastes. Signs will be posted near the site entrance which clearly state the type of materials that will not be accepted. Site personnel will be trained and directed to identify potentially harmful unacceptable materials that may be delivered to the site.

Machinery/Equipment and Design

The volume of material received at the Recycling Center is anticipated to be 50 – 100 tons per day, but could be more or less depending on the needs and demand of the local community. The volume of material received at the MSW Transfer Station is anticipated to be 300-600 tons per day, but could vary slightly. With the exception of weekends, all material received will be removed from the site within 24 hours. In the event that material remains at the site overnight or arrives after normal loading hours, it will be stored under cover inside the transfer building or placed in transfer trailers that will be covered with a tarp. All transfer trailers will be tarped before leaving the site. Typically, WMA will use a front-end loader to handle and load materials at the MSW Transfer Station & Recycling Center. Additional equipment may be used based on need.

Traffic Control and Safety

All vehicles entering and leaving the facility will do so from the designated driveway entrance from Coyote Place as shown on the Site Plan. WMA completed a Traffic Impact Statement in 2008 with the Recycle Center approval. It is anticipated that there will be minimal increase in the traffic volume in conjunction with the Transfer Center operations. In 2008, there were approximately 33 vehicle trips per day. Currently, that number is reduced to approximately 25 trips per day. It is estimated that the site will have approximately 50 total trips per day after full build-out. This is the same estimated total trips projected during the 2008 Traffic Impact Statement. The MSW Transfer Station will not be open to the public, so the same WMA hauling trucks will be using the transfer station. The vehicles and transfer trucks generated by the MSW & Recycle Transfer Center will not negatively impact the surrounding area.

Unloading of Materials

All materials brought by vehicles will be directed to the appropriate drop-off area. Commercial haulers will be required to weigh their loads on Arizona-certified scales prior to disposal. Signs will be posted to guide the public to the recycling drop-off area. All driving and parking areas will be dust-proofed in accordance with County standards.

Operation and Transfer Loading

Materials will be loaded into transfer trucks in a timely manner. Material delivered to the drop-off area will not be allowed to accumulate where unloading by other vehicles will be hampered. Materials will be stored under cover or loaded into a transfer trailer to contain the materials until the trailer is full. The site will be operated to provide an efficient flow of materials into and out of the facility. The loaded transfer trucks may be tarped and parked on site until transportation is available to haul the load to the recycling facility or landfill.

Control of Blowing Material

Windblown litter or loose debris will be picked up on an as-needed basis depending on the site conditions. Because of the dry climate, type of materials accepted, and transfer rate of materials, odor is rarely a problem.

Vector Control

The MSW & Recycling Transfer Center will be operated in such a manner so as to discourage the production of rodents and insects. During normal operations, materials will not be allowed to accumulate outside of the tipping pad and materials will be loaded into the transfer trailers in a timely manner. All areas around the transfer facility will be kept in a clean and sanitary condition.

Odor, Dust and Noise Control

Vehicles delivering materials to the Transfer Station will be allowed to unload only on the tipping floor or drop-off area. During normal operations, materials will not be allowed to accumulate outside of the tipping pad. Materials will be loaded into transfer trailers in a timely manner. WMA will continue to maintain Coyote Place to control fugitive dust. The MSW & Recycling Transfer Center will be operated in an efficient manner to reduce the queuing time of trucks. The concrete tipping floor may be swept or cleaned as needed.

Weighing and Billing System

Initially, the facility will not be open to the public. All trucks will be weighed on an Arizona-certified scale on site or off site. If the Recycling Center opens to the public at a later date, a scale operator or automated system will be at the facility for on-site weighing. The scale system will be the responsibility of WMA. All scales will be calibrated and state registered on an annual basis or as otherwise required. Commercial

haulers will be required to weigh their loads prior to dumping their materials. Adjustments will be made to the weighing system as needed to allow for peak vehicle demands and any unusual occurrences.

Maintenance Requirements

WMA will be responsible for the maintenance and repair of the entire site and currently has the resources and processes in place to do so. The site will maintain adequate working equipment to operate the facility in a safe and efficient manner.

Security

The perimeter fence will be maintained as a barrier at all times; the entrance/exit gate will be open during site operating hours. Signs will be posted near the entrance to the site to identify acceptable and/or prohibited materials and other directional signs to control traffic.

Turisk, Mike

From: Havery, Marty
Sent: Tuesday, September 17, 2013 9:03 AM
To: Vlahovich, Jim; Ortega, Michael; Noack, Nike; Miranda, Ruben
Cc: Turisk, Mike
Subject: RE: Transmittal Z-13-04 (Waste Mgmt.)

Mike T., I reviewed the attached and the major thing I see missing is a scale. They mentioned that they might put one in at a later date. I think that it is imperative that a scale be on site if the main focus of their business is loading trucks with bulk material be it MSW or recycling, they need to make sure they are always under 80,000 for the safety of our public. Please Let me know if you have any questions.

Thanks

Marty

From: Vlahovich, Jim
Sent: Monday, September 16, 2013 1:08 PM
To: Ortega, Michael; Havery, Marty; Noack, Nike; Miranda, Ruben
Cc: Turisk, Mike
Subject: FW: Transmittal Z-13-04 (Waste Mgmt.)
Importance: High

Fyi.

From: Turisk, Mike
Sent: Monday, September 16, 2013 12:41 PM
To: Vlahovich, Jim
Subject: FW: Transmittal Z-13-04 (Waste Mgmt.)
Importance: High

Jim, I thought you should know about this given the County would likely have a strong interest. See attachment.

Michael Turisk, Planning Manager
Cochise County Community Development
1415 Melody Lane, Building E
Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278
email: mturisk@cochise.az.gov

"Our Programs Are Public...Our Service Is Personal"
www.cochise.az.gov

From: Turisk, Mike
Sent: Tuesday, September 10, 2013 1:14 PM
To: Lamberton, Karen; Couchenour, Terry E.Jr; Wilson, Beverly; Springer, Mike; Sipe, Lee; Corley, Rick; 'cvh@vtc.net'; 'arbor_solutions@yahoo.com'; 'jvmartzke@powerc.net'; 'Donald Brush'; 'Burchard.David@azdeq.gov'; 'jmannig@whetstonefore.org'; Searle, Richard
Subject: Transmittal Z-13-04 (Waste Mgmt.)
Importance: High



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

Date: September 18, 2013
To: Mike Turisk, Planning Manager
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Waste Management Re-Zoning: Z 13-04/Parcel #106-06-016

This re-zoning proposes modifying the land designation from GB/RU-4 to LI for an existing Waste Management of Arizona, Inc. facility. The re-zoning would allow for a waste transfer facility land use, in addition to the existing vehicle and container storage yard, plus recycling. A waste transfer station and a recycling center is neither an industrial nor manufacturing use but have elements of both. According to the Conceptual Site Plan by Waste Management for their "Sierra Vista Waste and Recycling Center" provided to the County with their application for re-zoning, a portion of the subject parcel will remain as a storage area.

According to ITE Trip Generation Manual, 7th edition, "general light industrial" uses typically average 51.8 trips per acre with an a.m. peak hour of about 7.51 trips and a p.m. peak hour averaging 7.26 trips per acre. Manufacturing averages 38.88 trips per acre with a.m. peak hour trips about 7.44 trips and p.m. peak hour trips about 8.37. At 10.89 acres, these factors would indicate a potential Average Daily Trip (ADT) count of 564 and 423 respectively. The uses that are conceptualized with this re-zoning application are not likely to generate these higher traffic counts at this rural facility; however, there is likely to be a slight increase in larger truck traffic.

The Applicant provided a limited scale "Traffic Impact Analysis" as part of their Special Use Permit request in 2008 for adding a recycle center to the storage function. That report projected a potential of up to 50 new vehicle trips per day (total of 25 vehicles in and out) with peak hour trips of less than 10 for the expanded recycling use. Combined with existing vehicle trips (based on 2008 counts) of 64 trips per day this site, with the new uses, is likely to range from 84 to 112 vehicle trips per day. If the proposed use remains consistent with this re-zoning application (neighborhood scaled waste treatment facility/18 employees/14 trucks) trip generation from this use is likely to be absorbed into the existing traffic circulation pattern without much difficulty.

The applicants were required to participate in shared maintenance costs for W. Oak St. as a condition of their Special Use Permit. Waste Management has already submitted the requested funds (\$4,000) and the County has re-surfaced W. Oak St. in June of 2012. The applicant has also provided an executed

80
F

Private Maintenance Agreement for N. Coyote Place, a private roadway (not maintained) dedicated to the County.

Recommendations

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning is unlikely to change the general nature of this use. At the commercial permit stage the applicant would be expected to make several off-site transportation related improvements prior to operation (these were imposed as part of the Special Use Permit for the recycling activities at this site):

1. A chip-sealed apron with concrete ribbon curb constructed at the intersection of W. Oak St. and Coyote Place to protect the pavement edging and prevent the expansion of the apron area beyond the roadway easement.
2. Coyote Place, a private road, improved with a gravel surface, at minimum, for dust control from the applicant's site to W. Oak St.

cc: Docket Z-13-04

WASTE MANAGEMENT OF ARIZONA, INC.
SIERRA VISTA WASTE & RECYCLING CENTER
HUACHUCA CITY, ARIZONA



CITIZEN PARTICIPATION RESULTS REPORT

**Request for Rezoning
For a Waste Transfer Station**

Case No. _____

August 19, 2013

COCHISE COUNTY

AUG 21 2013

PLANNING

**WASTE MANAGEMENT OF ARIZONA, INC.
SIERRA VISTA WASTE & RECYCLING CENTER**

1. Overview of Project

Waste Management of Arizona, Inc. ("WMA") is requesting rezoning for parcel 106-06-016 to Light Industry (LI) to allow a non-hazardous municipal solid waste (MSW) and recycling transfer station to be located within the General Business (GB) zoning district. The property is 11 acres and approximately 4.8 acres is currently zoned under a Special use Permit (SUP) to allow a recycling transfer station, and the remainder acreage is currently zoned RU-4. The property is owned by WMA and is located at 2183 North Coyote Place (the "Subject Property"). As shown on the enclosed Conceptual Site Plan dated June 6, 2013 (the "Site Plan"), the proposed MSW transfer station will be developed near the center of the property. WMA currently has approval for the future Recycle Center on the north part of the property, and the maintenance facility and administration buildings exist as shown on the Site Plan.

2. Parties Affected by the Application

WMA notified interested parties, public agencies, governmental entities and the residents and surrounding property owners identified by Cochise County. A copy of the mailing list is attached as a reference for all parties notified. In addition, an additional neighbor outside of the notification required radius contacted WMA, and he requested to be added to the list for all future communication.

4.

On June 5, 2013, notifications informing public agencies, governmental entities, and all property owners that were identified by Cochise County were sent by first class mail. An informational letter and site plan providing an overview of the proposed development were included in the mailing. A copy of the letter and site plan are attached as a reference. WMA received the following comments in response to the notification:

Date	Name of Contact & Concern	Response
June 12, 2013	Telephone call from Marlin Cisco, (property directly east of WMA): Expressed concern about litter from recycle center, dislike of stacking of boxes above fence height, and maintenance of Coyote Place	Nicole Bisacchi answered Mr. Cisco's questions and explained that the stacking of the boxes is currently due to a lack of space. If WMA expands the SUP to build the transfer building, WMA will have enough room to stop stacking boxes. WMA is willing to agree to this as a stipulation that WMA will not stack boxes after construction of the MSW Transfer bldg. WMA also explained that WMA is responsible to maintain the dust proof surface on Coyote and does conduct maintenance on the road. Mr. Cisco said he had no further questions, but he would still like to attend the public hearing to express his concerns.
June 21, 2013	Email from Dr. Lucinda Earven expressing concern about traffic, litter, noise, and road maintenance. She stated that she would still like to attend the public meeting to express her concerns and opposition to the application.	Nicole sent a follow up letter with additional details answering Dr. Earven's questions on August 13, 2013. A copy of her email and this letter are attached.
June 26, 2013	Phone call from Steven Bouchikas, located directly north of WMA. Mr. Bouchikas asked why he was not initially notified and asked for more information about what was going on. He expressed concerns about odor, traffic, and property value. He asked what the facility would look like after it was complete.	Nicole Bisacchi explained what was going on and that he lived outside of the notification radius, but she agreed to add him to the communication list. The initial notification letter and some pictures of a similar existing facility were sent to Mr. Bouchikas on 8/14/13. His mailing address is: PO Box 4252, Huachuca City, AZ 85616

4. Summary of Concerns, Issues and Problems

The concerns raised by the residents and property owners consisted of the following:

- Traffic volume and maintenance on Oak Street and Coyote Place
- Odor from the MSW transfer operation
- Litter blowing into neighboring properties from the transfer operation
- Noise from the increased traffic and transfer operation
- View of stacked empty rolloff boxes on the property
- Property value with the MSW transfer operation in area

WMA has addressed the above concerns either through a technical explanation or by revising the proposal. The following summarizes the mitigation provided by WMA:

- A traffic analysis was conducted in 2008 with the Recycle Transfer Station approval estimating a new total trips of 50 per day. A revised traffic analysis was conducted in 2013 confirming the new total trips to still be 50 per day. This rezoning application does not change the already-approved traffic increase.
- WMA proposes to position the MSW Transfer Station in the center of the property to prevent odors from impacting neighbors.
- WMA proposes to install litter fencing and/or walls to prevent litter from leaving the property.
- WMA proposes to position the MSW Transfer Station in the center of the property to prevent noises from impacting neighbors.
- WMA agrees to stop stacking rolloff boxes after the transfer station is constructed and WMA has secured the additional acreage on the property with fence.
- WMA has been operating the existing hauling facility and several other MSW transfer stations and landfills throughout Arizona with an exceptional compliance record. WMA understands the importance of maintaining clean facilities to protect the community and property values.

We believe that the citizen review process has been a beneficial tool in identifying concerns and providing the opportunity to address these concerns with the surrounding residents and property owners.

Copy of Original Neighbor Notification and Mailing List



Waste Management of Arizona, Inc.
222 W. Mill Avenue, Suite 333
Tempe, Arizona 85281
(602)763-4385

June 5, 2013

Re: Sierra Vista Waste and Recycling Center
2183 N. Coyote Place, Huachuca City, AZ 85616

Dear Neighbor:

The purpose of this letter is to let you know that Waste Management of Arizona, Inc. (WMA) will soon be filing a Special Use Permit modification application with the Cochise County Planning Department to request approval for a new Municipal Solid Waste (MSW) non-hazardous waste transfer station within the approximately 11-acre site located at 2183 North Coyote Place near the intersection of Oak and Coyote.

As shown on the enclosed conceptual site plan, the new waste transfer station will be located in the center of the property to provide a buffer to surrounding properties. As you may remember, WMA received approval to construct and operate a recycling transfer station in 2008, but recent events have delayed construction. Now, WMA would like to combine operations to be able to provide both recycling and waste services to the surrounding community. The entrance to the facility will remain on Coyote Place, which WMA maintains. The recycling facility is currently approved to accept co-mingled recyclables from both residential and commercial sources. Newspaper, cardboard, paper, plastic bottles, and aluminum cans are among the recyclable materials that will be accepted at the recycling center.

WMA is now applying for approval to transfer non-hazardous, municipal solid waste (MSW) from a transfer station to be built at the site. No hazardous, flammable or explosive wastes, liquid waste, radioactive waste, biohazardous waste, TSCA-regulated waste, or other regulated special waste will be accepted at the site. The waste transfer station will have a roof to provide cover over the transfer area. There will be a paved, impervious surface where the waste is temporarily unloaded from vehicles and then loaded into larger transfer trailers. Litter control will be provided by installation of walls or netting around the transfer area. The transfer trailers will transport the waste to a regional landfill for disposal.

Currently, WMA operates a hauling company at this site and generates approximately 33 vehicle trips per day. It is anticipated that there will only be a minimal increase in traffic volume in conjunction with the additional transfer vehicles because the waste transfer station will not be open to the public. WMA currently maintains a public drop-off for household recyclables; this will still be maintained with no change.

Sierra Vista Waste and Recycling Center
June 5, 2013
Page 2 of 2

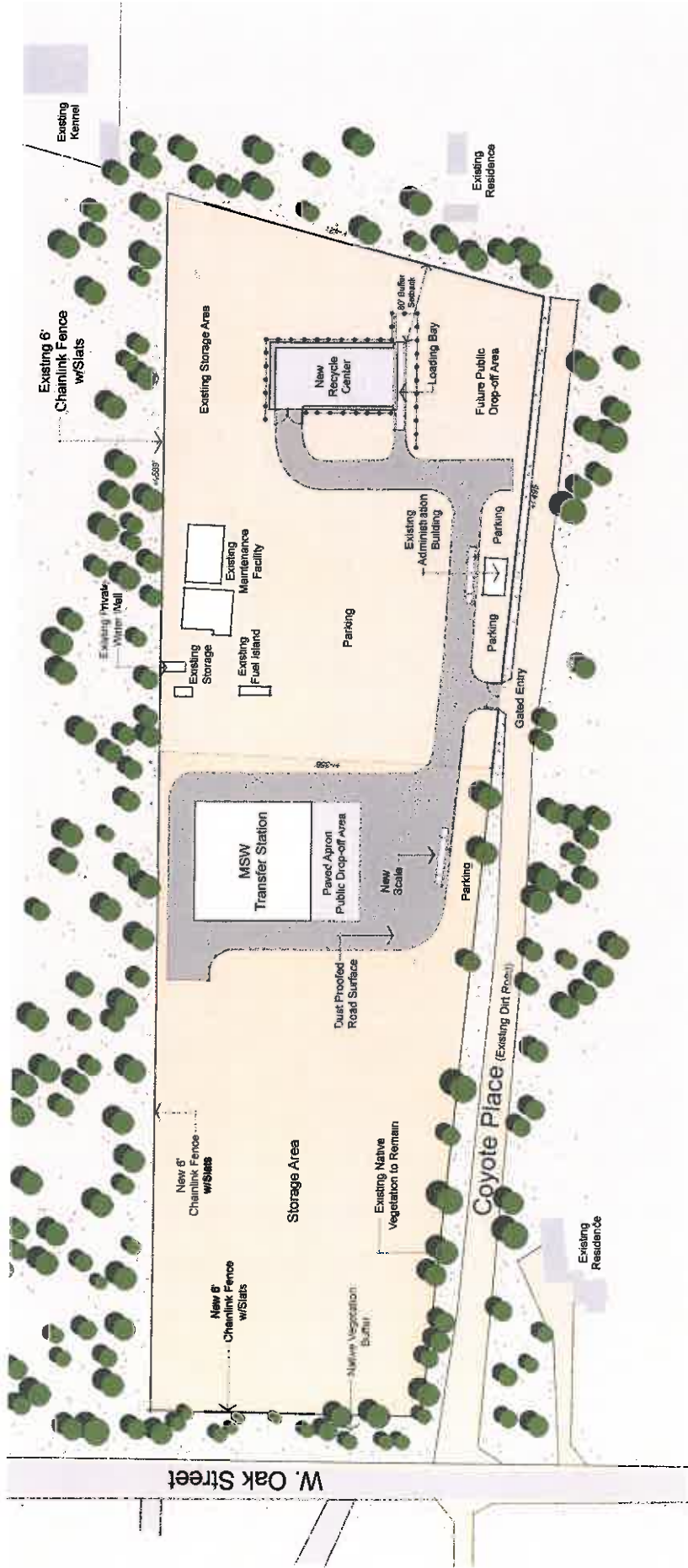
Please contact me at 602-763-4385, or email nbisacchi@wm.com, if you have any questions about this project.

On Behalf of Waste Management of Arizona, Inc.,

A handwritten signature in cursive script, appearing to read "Nicole R. Bisacchi".

Nicole Bisacchi, P.E.
Engineer

Enclosure



Owner/Operator:
Waste Management Four Corners Market Area
222.5 MI Avenue
Tempe, Arizona 85281

Prepared by:
Dennis J. Smith
Dennis Smith Design, Inc.
P.O. Box 24901
Tempe, Arizona 85285



Date: June 6, 2013

Plan Data:
Property Location: 2183 N. Coyote Place, Huachuca City, Arizona 85616
Parcel Number: 106-08-016
Site Area: 11 Acres
Existing Zoning: RU-4 and SUP
Request: Light Industrial

Conceptual Site Plan for:

Sierra Vista Waste and Recycling Center

Waste Management of Arizona, Inc. Cochise County, Arizona

89
G

ADAMS JAMES L
1009 LEROY STREET
SAN DIEGO CA 92106

CREGAR GARY A & DOLORES
424 W OAK ST
HUACHUCA CITY AZ 85616

ROBINSON DARIN G
PO BOX 4344
HUACHUCA CITY AZ 85616

BARNETT LISA J
446 W OAK ST
HUACHUCA CITY AZ 85616

DELGADO EVELYN
PO BOX 5098
HUACHUCA CITY AZ 85616

RUCKER JR RICHARD D REVOCABLE TI
3404 S MANITOBA
TUCSON AZ 85730

BOSTON TERRY A & ANITA A
PO BOX 12268
FT HUACHUCA AZ 85613

EARVEN WAYNE D
156 W OAK ST
HUACHUCA CITY AZ 85616

SHELDON LOREN
P O BOX 5065
HUACHUCA CITY AZ 85616

BOUCHIKAS FAMILY REVOCABLE LIFE
PO BOX 4252
HUACHUCA CITY AZ 85616

FLEMING LEONARD M & VIRGINIA
2088 N COUGAR PL
HUACHUCA CITY AZ 85616

SHEPHERD MESHELL D & JASON L
312 W OAK ST
HUACHUCA CITY AZ 85616

BRADY JAMES & SANDRA
PO BOX 3491
INCLINE VLG NV 89450

GRUNAU TOM & MARY WATCHER
440 W HWY 82
HUACHUCA CITY AZ 85616

SHEPHERD RALPH W & EDNA M
752 W EDGEWATER DR
TUCSON AZ 85704

BRANT KEVIN W & NELLIE L
3200 CASPER DR
SIERRA VISTA AZ 85650

HALE CANDY & JAMES
P O BOX 4590
HUACHUCA CITY AZ 85616

SISCO MARLIN
396 W HWY 82
HUACHUCA CITY AZ 85616

BROWN ESTHER H
1564 ANDREA DR
SIERRA VISTA AZ 85635

HANNON REVOCABLE LIVING TRUST
2205 PICCADILLY DR
SIERRA VISTA AZ 85635

SMITH GERALD M
P O BOX 4846
HUACHUCA CITY AZ 85616

BUTTRAM GARY & VICKI TRUST AGRE
484 W HWY 82
HUACHUCA CITY AZ 85616

HAVERLANDT NEIL C
304 E CALLE ALBITA
GREEN VALLEY AZ 85614

THOMAS MARSHALL & MARGARET J
P O BOX 3142
SIERRA VISTA AZ 85636

CHEEK GARY L & CANDICE
280 W OAK ST
HUACHUCA CITY AZ 85616

HOLLAND JOHN E & DEBORAH M
480 W HWY 82
HUACHUCA CITY AZ 85616

WATCHER MARY
440 W HIGHWAY 82
HUACHUCA CITY AZ 85616

CONDON DAVID E & CAROL A
PO BOX 4723
HUACHUCA CITY AZ 85616

LOWRY NELLIE E
2133 N COUGAR PL
HUACHUCA CITY AZ 85616

WOODS TERRILL W & CATHY J
2302 PICADILLY DR
SIERRA VISTA AZ 85635



Copy of Dr. Earven Communication

Bisacchi, Nicole

From: Lucinda Earven <hossdvm@yahoo.com>
Sent: Friday, June 21, 2013 12:00 PM
To: Bisacchi, Nicole
Subject: Special use permit for 2183 N. Coyote Pl., Huachuca City, AZ

Ms. Bisacchi,

My husband and I received your letter about filing a Special Use Permit modification for a Municipal Solid Waste transfer station to be located at the Waste Management property at the end of our street. We are Wayne and Lucinda Earven and live at 156 W. Oak St. We have lived here since 1995. My understanding is that trash will be dumped from trucks, directly into a bin on Coyote Pl., then trucked to Tucson (?) instead of taking it directly to the local landfill @ 8 miles away.

We are opposed to this modification for the following reasons:

1. Traffic - this chip-sealed road already has to handle heavy garbage trucks making, by your own estimates, 33 vehicle trips per day. If you get this modification, there will be many more trips of these heavy big trucks and transfer trailers. The RV park whose southern border is on Oak St. is prohibited from keeping their two gates open for anything but emergencies in order to minimize any ingress or egress onto Oak St. so as to minimize traffic on this street. Why should Waste Management be allowed to increase traffic for the residents to deal with daily?
2. Garbage accumulation, as is a dump, requires rezoning to Heavy Industrial use and not just a "Special Use Permit modification"...is my understanding. Again, there is an existing landfill @ 8 miles away that Waste Management is currently using for a fee (which they pass on to customers). The residents up and down W. Oak St. do not want municipal waste accumulating at the end of their street and neighboring all the RU4 properties.
3. Noise - the Waste Management trucks and their arriving employees start coming down our street @ 4 am. Nothing was said in your letter about hours of operation for these transfer trucks and trailers. This is a very peaceful, quiet rural neighborhood. Bringing your waste vehicles down Oak St. and into a lot off of Coyote at the start of the day and at the end of the business day is one thing; accumulating and transferring solid waste is unacceptable.
4. Vibrations - when the waste trucks come off of Coyote and onto Oak their rigs make a loud banging sound and vibrations that echo up the street. I don't know if that is because Coyote is rough or full of potholes, but that irritation is only going to increase with more truck traffic.

I will follow up with this testimony if your request goes to the county planning and zoning department for a hearing, as will many of my neighbors.

Sincerely,

Lucinda Earven, D.V.M.
520-456-2024



Waste Management of Arizona, Inc.
222 W. Mill Avenue, Suite 333
Tempe, Arizona 85281
(602)763-4385

August 13, 2013

Re: Sierra Vista Waste and Recycling Center
2183 N. Coyote Place, Huachuca City, AZ 85616

Dear Dr. Earven:

I received your email regarding your concerns about a future MSW transfer station at the Waste Management of Arizona, Inc. (WMA) site located in Huachuca City, AZ. We appreciate your concerns, and we hope to work through these by providing more details and a better understanding of our operation.

Your first concern included the traffic trip counts on Oak Street and the condition of Coyote Lane. WMA completed a Traffic Impact Study in 2008 as part of the Recycle Center SUP approval. At that time, WMA projected that there would be approximately 50 trips per day at the final Recycle Center buildout. This includes 3rd party customers dropping off recyclables. Cochise County and ADOT officials reviewed the Traffic Impact Statement as part of the approval process and determined that the increase was insignificant. As mitigation to our neighbors, Cochise County issued a stipulation that requires WMA to maintain a dust-proof surface (such as millings or gravel) on Coyote Lane. In addition, WMA was required to pay a maintenance fee to Cochise County to improve Oak Street. WMA has already paid the maintenance fee for Oak Street (prior to construction of the Recycle Center) and will continue to maintain the millings on Coyote to ensure a dust-proof surface. Although a new transfer station sounds like a lot of new traffic, in reality, WMA will not open the MSW transfer station to the public. Only the same WMA vehicles that were coming and going from the site will be using the transfer station. WMA will not route all trucks back to dump at the transfer station because it is more efficient to have them continue to dump at the local landfill. Some of the trucks will return throughout the day to dump at the transfer station because those routes are further from the local landfill, and it is more efficient to have them dump at a transfer station. After all trucks are re-routed for efficiency, the total trips is still expected to increase to a new total of 50 trips per day.

Your second concern was about the proper zoning and having waste accumulate in your neighborhood. WMA currently has an SUP to operate a Recycle Center. WMA has delayed construction on this facility because we would like to consider the MSW Transfer Station to be constructed that will allow MSW and Recyclables to be processed. The County advised WMA that Light Industry (LI) is the correct SUP zoning to accommodate the MSW Transfer Station. WMA understands your concern about waste near residential sites and would like to offer a stipulation on the zoning approval that limits the time the waste can stay on the floor. As explained in our application to the County, all waste will be removed from the transfer station within 24 hours. If waste comes into the site after normal loading hours, it will be stored under cover or in a tarped truck until the next day when it is loaded. Additionally, WMA has placed the proposed MSW transfer station towards the

Sierra Vista Waste and Recycling Center

August 13, 2013

Page 2 of 2

center of the property to create as large a buffer as possible to neighbors. WMA also proposes to install additional litter fencing if needed to ensure litter is minimized.

WMA does not plan on changing the hours of operation. As previously mentioned, only a few of the trucks will be returning throughout the day to empty into the transfer station. Since we will not be opening to the public, you will see the same amount of trucks at the beginning and end of each day. The only difference will be approximately 17 additional trips (so 8 trucks in and then back out) each day.

Another concern was with noise. The trucks can make banging sounds when they hit potholes. WMA will post speed limit signs that slow trucks down more than they are currently driving and maintain Coyote with millings or gravel to help with potholes. WMA will minimize noise as much as possible.

WMA is willing to discuss any other mitigation that you think would help alleviate concerns or mbetter operate a transfer station in your neighborhood. We have passed on all your concerns to the County, but hope to work through them with you prior to the public hearing. Please contact me at 602-763-4385, or email nbisacchi@wm.com, if you have any questions or would like to discuss this project further.

On Behalf of Waste Management of Arizona, Inc.,



Nicole Bisacchi, P.E.
Engineer

Copy of Mr. Bouchikas Communication



Waste Management of Arizona, Inc.
222 W. Mill Avenue, Suite 333
Tempe, Arizona 85281
(602)763-4385

August 19, 2013

Re: Sierra Vista Waste and Recycling Center
2183 N. Coyote Place, Huachuca City, AZ 85616

Dear Mr. Bouchikas:

As a follow-up to our phone conversation on June 26, 2013, I am sending you this letter and a copy of the original notification about a future municipal solid waste (MSW) transfer station at the Waste Management of Arizona, Inc. (WMA) located in Huachuca City, AZ. We appreciate your concerns, and we hope to work through these by providing more details and a better understanding of our operation.

I have included a couple of pictures of an existing MSW transfer station that WMA owns and operates in Flagstaff, AZ. As you can see, this is a three-sided building with a below-ground loading tunnel for the transfer trucks. The building is positioned to minimize the wind-blown litter from the predominant wind direction. WMA has been operating several MSW transfer stations in Arizona with a strong reputation for excellent compliance and professionalism.

You also expressed concern about the traffic increase on Oak Street. WMA completed a Traffic Impact Study in 2008 as part of the Recycle Center SUP approval. At that time, WMA projected that there would be approximately 50 trips per day at the final Recycle Center buildout. This includes 3rd party customers dropping off recyclables. Cochise County and ADOT officials reviewed the Traffic Impact Statement as part of the approval process and determined that the increase was insignificant. As mitigation to our neighbors, Cochise County issued a stipulation that requires WMA to maintain a dust-proof surface (such as millings or gravel) on Coyote Lane. In addition, WMA was required to pay a maintenance fee to Cochise County to improve Oak Street. WMA has already paid the maintenance fee for Oak Street (prior to construction of the Recycle Center) and will continue to maintain the millings on Coyote to ensure a dust-proof surface. Although a new transfer station sounds like a lot of new traffic, in reality, WMA will not open the MSW transfer station to the public. Only the same WMA vehicles that were coming and going from the site will be using the transfer station. WMA will not route all trucks back to dump at the transfer station because it is more efficient to have them continue to dump at the local landfill. Some of the trucks will return throughout the day to dump at the transfer station because those routes are further from the local landfill, and it is more efficient to have them dump at a transfer station. After all trucks are re-routed for efficiency, the total trips is still expected to increase to a new total of 50 trips per day.

Sierra Vista Waste and Recycling Center
August 13, 2013
Page 2 of 2

WMA is willing to discuss any other mitigation that you think would help alleviate concerns or better operate a transfer station in your neighborhood. We have passed on all your concerns to the County, but hope to work through them with you prior to the public hearing. Please contact me at 602-763-4385, or email nbisacchi@wm.com, if you have any questions or would like to discuss this project further.

On Behalf of Waste Management of Arizona, Inc.,

A handwritten signature in cursive script that reads "Nicole R. Bisacchi".

Nicole Bisacchi, P.E.
Engineer



Flagstaff Transfer Station

Turisk, Mike

From: Janice Ertem [take_a_hike26@hotmail.com]
Sent: Monday, September 16, 2013 7:15 PM
To: Turisk, Mike
Subject: Waste Management rezoning

Dear Mr. Turisk,

I am writing you today, in regards of the Waste Management garbage company applying for rezoning in Whetstone,

for the use of a garbage transfer station. I am appalled that this would even be considered, beings this is a residential

neighborhood. It is bad enough that there is a storage yard for garbage trucks, which cause them to use this road

where children live and play. With all the desert land out there that is not near homes, this should not be considered.

I have lived in Whetstone for 15 years and have built a very nice custom built santa fe home and would hate to think

what this could do to property values. Whetstone is not a dump. I would appreciate anything you can do to stop this

rezoning of Waste Management. Thank you, Janice Lackner, 2031 Cougar Pl. Whetstone Az. 85616